Supreme Court, U.S.
FILED

3

06-781 JUL 13 2006

No. _____

OFFICE OF THE CLERK

IN THE

United States Supreme Court

SARAH HENDRIX,

Petitioner.

v.

HENRY PAULSON, SECRETARY OF THE DEPARTMENT OF THE TREASURY OF THE UNITED STATES OF AMERICA, RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMONDSON, TY AYRES and WILLIAM ZACHERY,

Respondents.

Appendix
Volume 2 of 2

On Petition for a Writ of Certiorari to the United States Court of Appeals for the 11th Circuit

PETITION FOR WRIT OF CERTIORARI

Sarah Hendrix
Pro Se
134 Summerset Lane
Atlanta, GA 30328
(770) 396-0716 (phone/fax)

July 12, 2006
Revised September 17, 2006
Revised November 22, 2006

Robert David Powell
Lori M. Bernek
US Attorney
Northern District GA
75 Spring Street, S.W.
600 U.S. Courthouse
Atlanta, GA 30303
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APPENDIX G – J

G

Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUDGE'S COPY
U.S.D.C. - Atlanta

SARAH HENDRIX,

Plaintiff,

vs

JOHN SNOW, Secretary of the Department of the Treasury of the United States of America, RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMUNDSON, TY AYERS, and WILLIAM ZACHERY

Defendants

JAN - 7 2005
LUTHER D. THOMAS, Clerk
By. Deputy Clerk

Case No 1-97-CV-3579-RWS

PLAINTIFF'S RESPONSE TO DEFENDANTS' (RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMUNDSON, TY AYERS AND WILLIAM ZACHERY) STATEMENT OF MATERIAL FACTS NOT IN DISPUTE (MATERIAL FACTS OVER WHICH PLAINTIFF CONTENDS THERE EXISTS A GENUINE ISSUE TO BE TRIED)

Comes now SARAH HENDRIX, Plaintiff in the above action and respondent to the pending Motions for Summary Judgment filed by all defendants and files this Response to Defendants' (RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMUNDSON, TY AYERS, and WILLIAM ZACHERY) Statement of Material Facts Not In Dispute Plaintiff further states that this Response shall correlate numerically directly with Defendants' Statement

1. Plaintiff initiated this action on November 28, 1997, naming as the sole defendant her former employer, the Secretary of the Department of the Treasury ("Secretary").

DENIED – Plaintiff was still employed by the Internal Revenue Service when she filed her initial complaint with this Court Plaintiff was retroactively terminated on January 10, 1998 effective December 27, 1997.

2. Seven months later, on June 25, 1998, Plaintiff filed an unopposed motion to amend her complaint.

DENIED – The Amended Complaint was filed on June 20,1998.

3. Plaintiff's amended complaint, which was stamped filed on July 20, 1998, advances two causes of action pursuant to 42 U. S.C. a72000e-16 ("Title VI I"), alleging employment discrimination against the Secretary on the bases of race, sex, and retaliation.

DENIED – The Original Complaint advanced two causes of action pursuant to 42 U S C §2000e-16 ("Title VI I"), alleging employment discrimination on the bases of race, sex, and retaliation. The First Amended Complaint added wrongful termination.

4. On January 29, 2001, plaintiff sought to again amend her complaint and file a "Second Amended Complaint"

DENIED – Plaintiff also filed to reopen this case that had been stayed for 17 months due to misrepresentations made to the Court by Defendant's counsel.

5. Plaintiff ultimately was permitted to file that complaint, and filed it on August 13, 2001, adding six current or former government employees, Ty Ayers, Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, and Richard Byrd as defendants in their individual capacities, and adding claims against these defendants far violation of the Whistleblower Protection Act (Count Three), violation of 42 U S C a7 1985(1) (Count Four), intentional infliction of emotional distress (Count Five), and a state law claim for damages, attorney's fees, and costs (Count Six).

DENIED – Plaintiff sought to recover punitive damages, attorney's fees and costs under a state law claim and also other Federal avenues (Title VII, WPA). However, supplemental jurisdiction over the pendant State law claims was conferred upon this Court by 28 U S C. §1367 in the Second Amendment to the Complaint.

The Memorandum in Support of the Second Amendment to the Complaint clearly states – Paragraph 38: "Defendants conduct constitutes violations of Title VII, the Whistleblower Protection Act, intentionally caused her emotional distress, and are in bad faith, and on account thereof, Ms Hendrix may recover the expenses of this litigation, including, but not limited to, reasonable attorney's fees and costs, for which Defendants are liable to Ms Hendrix." [Doc # 49, Page 10]

Paragraph 39: "Defendants conduct has been in bad faith, stubbornly litigious and/or caused Ms. Hendrix unnecessary trouble and expense, and on account thereof, Ms. Hendrix is entitled to recover the expenses of this litigation, including but not limited to, attorneys' fees, for which Defendants are liable to Ms. Hendrix." [Doc. # 49, Page 10]

Paragraph 39 (g): "That as to Count One, Count Two, Count Three, Count Four, Count Five, and Count Six, Ms. Hendrix have and recover judgment in an amount to be determined at trial for expenses of this litigation, including, but not limited to, attorneys' fees and costs." [Doc. # 49, Page 11]

It is the purpose of Title VII to make persons whole for injuries suffered on account of unlawful employment discrimination. This is shown by the very fact that Congress took care to arm the courts with full equitable powers.

"The provisions of this subsection are intended to give the courts wide discretion exercising their equitable powers to fashion the most complete relief possible. The courts have stressed that the scope of relief under that section of this act is to make the victims of unlawful discrimination whole, and that the attainment of this objective rests not only upon the elimination of the particular unlawful employment practice complained of, but also requires that persons aggrieved by the consequences and effects of the unlawful employment practice be, as far as possible, restored to a position where they would have been were it not for the unlawful discrimination" Conference Committee Report of the 1972 Act, Albemarle Paper Co v. Moody, 422 U.S 405 (1975)

The most common relief available under Federal Whistleblower laws is a 'make whole remedy' in which an employee is entitled to injunctive relief and monetary compensation with the goal of being made 'whole.' 'Make whole' relief is justified not only as a logical method for determining amount of damages but also as a necessary tool in vindicating the public policy underlying antidiscrimination laws, "Making the workers whole for losses suffered on account of an unfair labor practice is part of the vindication of the public policy." Phelps Dodge Corp v. NLRB, 313 U S 177, 197 (1941)

Punitive Damages are awardable under a number of federal statutes, including the Whistleblower Protection Act and the Civil Rights Act of 1964. Punitive damages may be permitted to punish 'unlawful conduct' and deter its 'repetition,' BMW v. Gore, 517 U S 559, 568 (1996). The U S Supreme Court upheld an award of punitive damages "when the defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others," Creekmore v. ABB Power Systems 93-ERA-24, Hobby v. Georgia Power Co, 90-ERA-30.

Congress passed the Civil Rights Attorney's Fees Awards Act of 1976, codified as 42 U S C. § 1988. Congressional intent was spelled out in the legislative history "[I]f private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court," S Rep 94-1001, at 3 (1976). "The purpose of § 1988 is to ensure effective access to the judicial process, for persons with civil rights grievances" Hensley v. Eckerhart, 461 U S 424, 429 (1983).

6. Plaintiff was also permitted to file her "Third Amendment to Complaint" on August 13, 2004, to amend Count Five to allege that "Plaintiff has complied with the Federal Tort Claims Act, 28 U S C a72675(a) by filing all appropriate administrative claims regarding the offending activities of the Defendants. Plaintiff has exhausted those administrative remedies available to her."

DENIED – Plaintiff bled the Third Amendment to Complaint in order to comply with Judge Story's July 30, 2004 Order [Doc # 165] The Third Amendment to the Complaint was filed with the Court on August 13, 2004 The parties named in this case by the Plaintiff are the Secretary of the Treasurer and the individually named Defendants not the United States government.

Thus, the Defendants that are subject to the FTCA are the Secretary of the Treasure *in his official capacity*, Mr. Byrd *in his official capacity*, Mr. McBride *in his official capacity*, Mr Butkovich *in his official capacity*, Ms. Edmundson *in her official capacity*, Mr. Ayres *in his official capacity*, and Mr. Zachery *in his official capacity*.

On October 2, 2004, Acting United States Attorney, Sally Quillian Yates, pursuant to 28 U.S.C. § 2679 and C.F.R. § 15.3 certified that the individually named Defendants were acting within the scope of their employment.

If the Certification is approved by the Court, the Defendants in this case are the United States, Mr. Byrd *in his unofficial capacity*, Mr. McBride *in his unofficial capacity*, Mr. Butkovich *in his unofficial capacity*, Ms. Edmundson *in her unofficial capacity*, Mr. Ayres *in his unofficial capacity*, and Mr. Zachery *in his unofficial capacity*.

Plaintiff has stated repeatedly in affidavits filed with this court that the individually named Defendants are guilty of unmoral and illegal acts that are outside the scope of an IRS employee's employment [Doc. # 134, 148, 206 and 214]. Plaintiff has also cited case law "held that under the Federal Tort Claims Act an injured person in a *nonautamobile* case may at his option sue the federal official responsible for injury *instead of OR in addition* to the government, and judgment against the individual officer does not preclude later action against the United States, although double recovery is impermissible. The provision of the Act requiring presentation of a claim to appropriate agency as a precondition to action against the United States does NOT apply where action is against the individual federal official" Turner v. Ralston 409 Fed. Supp 1260 (W Dist Wisc 1975), [Doc. # 162, Page 12].

Thus, the Plaintiff, although not required to 'present a claim to appropriate agency as a precondition, where action is against the individual federal official,' can show that, in fact, she did 'exhaust those administrative remedies available to her.'

7. Following the filing of the third amendment, plaintiff attempted to perfect service of the Second Amended Complaint and Third Amendment to the Complaint, along with the first two pleadings incorporated into those pleadings, on all defendants and served the United States Attorney for the Northern District of Georgia.

DENIED – Plaintiff did not effectuate service on any party Service was perfected by Michelle Filippou, a United States citizen over the age of eighteen and not a party to this action (See Affidavit of Michelle Filippou [Exhibit #1, Doc #204] and Affidavit of Plaintiff Sarah Hendrix [Exhibit #1]).

Service was effectuated on the United States Attorney for the Northern District of Georgia on August 13, 200 [Exhibit #2].

8. The Acting United States Attorney for the Northern District of Georgia issued certifications that each of the individual capacity defendants was acting within the scope of his or her employment with the United States Department of Treasury, Treasury Inspector General for Tax Administration ("TIGTA") or Internal Revenue Service ("IRS"), at the time of the acts or omissions attributed to each defendant in the allegations of the Complaint, as amended Those certifications were filed notice of the substitution of the United States for the individual capacity defendants us to all tort claims, by operation of 28 U.S.C. a72679.

DENIED – Plaintiff notes that she has objected to said designation and all parties are awaiting a ruling on same [Doc # 206, 214]. It is the Plaintiff's understanding that all individually named Defendants were employed by the United States Department of Treasury, Internal Revenue Service during the relevant time period [Exhibit #3]. TIGTA did not exist at the time that the named Defendants committed their illegal and immoral acts.

9. The only defendants now subject to plaintiff's tort claims are the United States and the Secretary of the Treasury.

DENIED – Plaintiff notes that she has objected to said designation and all parties are awaiting a ruling on same [Doc # 206, 214]. It is the Plaintiff's understanding that the individually named Defendants were employed by the United States Department of Treasury, Internal Revenue Service during the relevant time period [Exhibit #3]. TIGTA did not exist at the time that the named Defendants committed their illegal and immoral acts.

The parties named in this case by the Plaintiff are the Secretary of the Treasury and the individually named Defendants not the United States government Thus, the Defendants that

are subject to the FTCA are the Secretary of the Treasury *in his official capacity*, Mr. Byrd *in his official capacity*, Mr. McBride *in his official capacity*, Mr. Butkovich *in his official capacity*, Ms. Edmundson *in her official capacity*, Mr. Ayres *in his official capacity*, and Mr. Zachery *in his official capacity*.

On October 2, 2004, Acting United States Attorney, Sally Quillian Yates, pursuant to 28 U S C § 2679 and C F R § 153, certified that the individually named Defendants were acting within the scope of their employment.

If the Certification is approved by the Court, the Defendants in this case would be the United States, Mr. Byrd *in his unofficial capacity*, Mr. McBride *in his unofficial capacity*, Mr. Butkovich *in his unofficial capacity*, Ms. Edmundson *in her unofficial capacity*, Mr. Ayres *in his unofficial capacity*, and Mr. Zachery *in his unofficial capacity*.

10. Plaintiff, accompanied by another woman, attempted service on Ty Ayers and Wanda Edmundson on August 13, 2004

DENIED – Plaintiff did not effectuate service on any party Service was perfected by Michelle Filippou, a United States citizen over the age of eighteen and not a party to this action (See Affidavit of Michelle Filippou [Exhibit #1, Doc #204] and Affidavit of Plaintiff Sarah Hendrix [Exhibit #1])

11. Hendrix and her companion first appeared at the office of Mr. Ayers, at which time Hendrix identified herself and then proceeded to personally hand a package to Mr. Ayers.

DENIED – Plaintiff did not effectuate service on any party Service was perfected by Michelle Filippou, a United States citizen over the age of eighteen and not a party to this action (See Affidavit of Michelle Filippou [Exhibit #1, Doc #204] and Affidavit of Plaintiff Sarah Hendrix [Exhibit #1].

12. The package Hendrix handed to Mr. Ayers contained a summons, and order dated July 30th, 2004, and the Complaint and all amendments thereto.

DENIED – Plaintiff did not hand any packages to Mr. Ayres. Plaintiff did not effectuate service on Mr. Ayres. On August 13, 2004 service was perfected by Michelle Filippou, a United States citizen over the age of eighteen and not a party to this action (See Affidavit of Michelle Filippou [Exhibit #1, Doc #204 and Affidavit of Plaintiff Sarah Hendrix [Exhibit #1]. Copies of the Return of Service of Mr. Ayres was filed with the Court on August 20, 2004 [Doc #172] Mr. Ayers was personally served with a copy of 1) Judge Story's July 30, 2004 Order, 2) the Original Complaint, 3) the First Amendment to the Complaint, 4) the Second Amendment to the Complaint, 5) the Third Amendment to the Complaint, 6) the Summons, and 7) Instructions Regarding Pretrial Proceedings.

13 Later that day, Hendrix and her companion appeared at Ms. Edmundson's office, at which time Hendrix proceeded to personally hand a package to Ms. Edmundson that contained a summons, an order dated July 30, 2004, and the Complaint and all amendments thereto.

DENIED – Plaintiff did not effectuate service on Ms. Edmundson. Plaintiff did not hand any packages to Ms. Edmundson. Service was perfected by Michelle Filippou, a United States citizen over the age of eighteen and not a party to this action (See Affidavit of Michelle Filippou [See Affidavit of Michelle Filippou [Exhibit #1, Doc #204] and Affidavit of Plaintiff Sarah Hendrix [Exhibit #1].

Service was effectuated on Ms. Edmundson by Ms. Filippou within an hour of the time that service was effectuated on Mr. Ayers, a named Defendant, on August 13, 2004 [Doc 171].

Ms. Edmundson was personally served with a copy of 1) Judge Story's July 30, 2004 Order, 2) the Original Complaint,

3) the first Amendment to the Complaint, 4) the Second Amendment to the Complaint, 5) the Third Amendment to the Complaint, 6) the Summons, and 7) Instructions Regarding Pretrial Proceedings.

14. Plaintiff filed a formal discrimination complaint with the IRS's Equal Employment Opportunity office on August 5, 1996 (EEO-1).

DENIED – Plaintiff's first EEO complaint was *formally* filed on August 4, 1996. It was the Plaintiff's understanding that a formal complaint is filed with the Equal Employment Opportunity Commission.

15. In EEO-1, plaintiff identified 18 issues, none of which indicated that she claimed violation of the WPA.

ADMITTED WITH EXPLANATION – Plaintiff did not mention claims in violation of WPA because she was still trying to resolve issues in house at the IRS at that time.

16. The EEO office grouped plaintiff's issues into six claims and accepted only one claim investigation — plaintiff's claim that she was suspended for 15 days because of age, race, color, sex, and/or reprisal for prior EEO action.

DENIED – Plaintiff was suspended for 15 days due to alleged "disruption in the workplace" and alleged "not following management directives." Plaintiff denies that she is guilty of either act. Plaintiff had NOT filed any EEO complaints at the time of the 15-day suspension.

17. All other allegations raised in EE0971 were rejected as untimely in a financial agency decision dated January 15, 1997.

DENIED – The complaint number was 96-2290MT The MT indicates a mixed case. The January 15,1997 letter states that

"claims were dismissed because they were either untimely and/or were initiated through a negotiated grievance procedure prior to the filing of a formal EEO complaint." Plaintiff timely filed an appeal of the dismissal of the claims On March 17, 1997, the Equal Opportunity, Commission acknowledged receipt of the appeal [Exhibit 4].

18. The final agency decision for partial dismissal of claims advised plaintiff of her right to either file a civil action in district court or to appeal to the Merit Systems Protection Board ("MSPB").

DENIED – The complaint number vas 96-2290MT. The MT indicates a mixed case. The Plaintiff submitted her WPA complaints pursuant to the procedures governing investigation and enforcement of federal employees' whistleblower causes of action on 9/1/97, 5 U S C S § 1214(a)(1)(A).

The Plaintiff 's EEO complaints, which were filed first, determined the elected forum, 29 C F R 1614 302(b), See Leak v. Runyon, LEXIS 16706, at 4, note 3 (4th Cir 1996). The Plaintiff received a notice dated November 17, 1997 from OSC specifically declining to investigate the WPA complaint because she had filed EEO complaints.

The Plaintiff did not have to appeal the EEOC decision (or the WPA claim that is linked to the EECO claims as a mixed case) to the Merit Protection Board – "In the event that the matter at issue in the complaint is appeal able to the Merit Systems Protection Board, i.e., the matter is a mixed case, the Complainant may file a mixed case appeal with the MSPB OR may file a formal mixed case EEO complaint." The instructions specifically state "The Complainant may NOT file both an MSPB appeal and an EEO complaint on the same matter. The process selected first is deemed the elected process [§161 3Q2(b)]." Thus, there was no need to appeal the WPA clam with the MSPB in order to exhaust Plaintiff's administrative claims.

19. Plaintiff instead appealed the final agency decision dismissing untimely claims from EEO-1 to the Equal Employment Opportunity Commission, resulting in a decision dated October 30, 1997, dismissing her appeal because it was not filed in the proper forum.

DENIED – Plaintiff's second EEO complaint (# 97-1320) – not her first complaint (#96-2290MT) – was dismissed because "the matter alas raised in a negotiated grievance procedure that permits allegations of discrimination." NTEU denied that they had ever filed either "a grievance and/or complaint alleging illegal discrimination based on race, color, religion, sex, or national origin. Nor has the NTEU filed a complaint for Sarah relating to sexual harassment" [Exhibit 5].

20. Thereafter, on November 28, 1997, plaintiff filed her original complaint initiating this civil action.

DENIED – Plaintiff filed her initial complaint with this after receiving a Right to Sue letter from the EEOC.

21. On August 14, 1997, while her EEO-1 complaint was pending, plaintiff filed a complaint with Office of Special Counsel ("OSC") alleging that she suffered retaliation violation of the WPA by being issued a 60-day opportunity letter.

DENIED – The Plaintiff correctly submitted her WPA complaints pursuant to the procedures governing investigation and enforcement of federal employees' whistleblower causes of action on 9/1/97, 5 U S C S § 1214(a)(1)(A) to the Office of Special Counsel.

22. Plaintiff subsequently raised allegations of WPA violations concerning being placed on paid leave effective October 9, 1997, while her time ran for response to a notice of proposed termination (which led to termination of her employment).

DENIED – Plaintiff had raised all WPA violations when she was placed on administrative leave. She did, however, raise questions to the Office of Special Counsel about how thoroughly her WPA claims were investigated because the decision letter included many misstatements the least off which was that Plaintiff worked for the Department of Veteran Affairs not the Internal Revenue Service.

23. The OSC declined review, of plaintiff's claims covered by Title VII (race, gender, and retaliation for filing discrimination complaints) because she had already initiated the EEO complaint process (Defs 91 Ex 3 at 84-86). Plaintiff confirmed that she had initiated the EEO process concerning the 60-day opportunity letter.

DENIED – The Plaintiff correctly submitted her WPA complaints pursuant to the procedures governing investigation and enforcement of federal employees' whistleblower causes of action on 9/1/97, 5 U S C S § 3214(a)(1)(A) to the Office of Special Counsel. There is no ruling that states that Plaintiff could not raise her concerns about termination in the WPA forum. At the request of an EEO official, Ms. Kinnebrew, Plaintiff had removed her proposed termination claims from EEO consideration at the time of the filing of her WPA complaint [Exhibit 6].

24. The OSC, by decision dated November 17, 1997, also advised that it had decided to close its investigation into her WPA claim because it had determined that plaintiff failed to state a claim for violation of the WPA, Id. The OSC decision found that: From the information obtained it does not appear that you were subjected to violation of section 2302(b) (8). You allege that you made a protected disclosure when you stated in your EEO complaint of 5/21/97 that Mr. Ayres and Mr. Butkovich interfered with Senator Coverdell's investigation into the alleged fraud perpetrated by Ms. Edmonson. The information obtained does not support this contention. On the contrary, the facts reveal that neither Mr. Ayres nor Mr. Butkovich did anything to obstruct the Senator's inquires into this matter. While they did direct Senator Coverdell to send

any pertinent information concerning this matter to Mr. McBride, you presented nothing to suggest that a law, rule, or regulation was violated when they furnished Senator Coverdell with these directions. However, even if your disclosure were deemed to be protected, this matter would not constitute a violation of section 2302 (b) (8). We have no information to suggest that the official who proposed your removal (Mr. Valdez) had any knowledge of the statements you made in the EEO complaint. Moreover, there is nothing to suggest that the disclosure contributed to Valdez' decision to remove you. Indeed, you stated that at the time of the proposed removal your performance appraisals had been declining and that you had received below satisfactory ratings on more than one critical element in your most recent performance appraisals. Consequently, we have no basis for further inquiry into this matter as a possible violation of 5 U S C a7 2302(b)98).

DENIED – The above statement contains both incorrect quotes from the OSC decision letter and misquotes of the Plaintiff. The validity of the conclusions in the decision letter are suspect. In the same letter OSC states that Plaintiff worked for the Department of Veteran Affairs NOT the Internal Revenue Service. Plaintiff subsequently addressed her concerns about the accuracy of the OSC determination in a letter to the same agency.

This 5 day of January, 2005

W Darrin Keaton
Attorney for Plaintiff
GA Bar No 409998
27 Courthouse Square
Dallas, GA 30132
770-443-6060
770-443-5654 (fax)

G-15

Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

AFFIDAVIT OF MICHELE FILIPPOU

STATE OF GEORGIA
DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
CASE # 97 cv 3579

I, Michelle Filippou, under penalties of perjury, make the following statement, understanding that it may and shalt be used in the above captioned case.

On August 13, 2004, I served Mr. Ty Ayres on the 31st floor of the Summit building, Atlanta, GA. On that same day, I also served Ms. Wanda Edmundson on the 15th floor of the same building.

In order to identify the individuals, Ms. Sarah Hendrix accompanied me to the Summit building that day. However, I am the individual who actually handed the packages to both Mr. Ayres and Ms. Edmundson. Ms. Hendrix did not hand the packages to either individual.

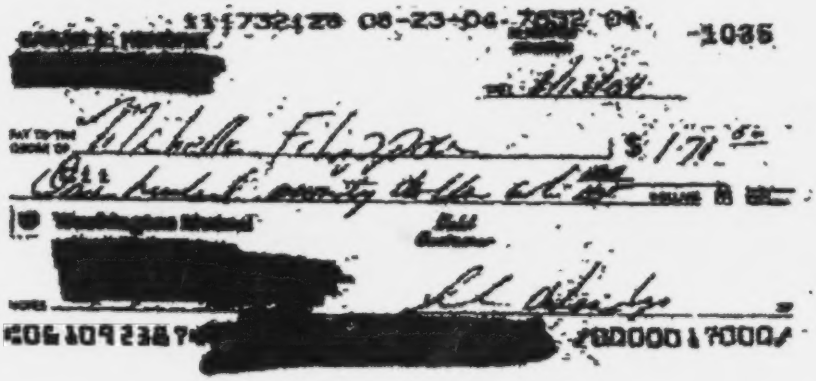
As is evidenced by the attached cancelled check, Ms. Hendrix paid me for my service. If necessary, i will testify to these facts in a court of law.

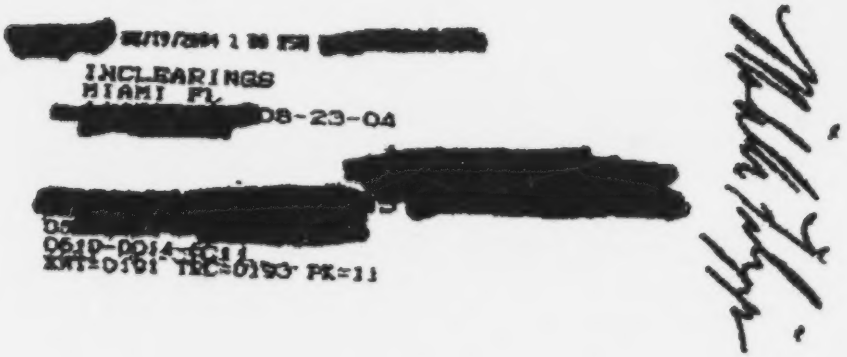
Michelle Filippou
October 13, 2004

Notary signature of Michelle Filippou
by [signature] 10/13/04

ANA M. PERRY
NOTARY PUBLIC, HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES NOVEMBER 1, 2005

EXHIBIT 1





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Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C.-Atlanta

OCT 21 2004

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

SARAH E. HENDRIX,
Plaintiff,
CIVIL ACTION FILE
vs. No. 97-CV-3579-RWS

JOHN SNOW, Secretary of the
Department of the Treasury of
the United States of America,
UNITED STATES OF AMERICA,
RICHARD BYRD, MICHAEL MCBRIDE,
JOHN BUTKOVICH, WANDA EDMUNDSON,
TY AYRES, and WILLIAM ZACHERY
Defendants.

CERTIFICATE OF SERVICE

Pursuant to F.R.P.C. Rule 5, I hereby certify that I have served a copy of the within and foregoing, Affidavit of Michelle Filippou upon the Defendants in the case by placing a copy of same in a properly addressed envelope with adequate postage affixed thereon to insure delivery and depositing the same in the United States mail, addressed as follows:

R. David Powell, Esquire
Assistant US Attorney, Northern District
600 Richard Russell Building
75 Spring Street, SW
Atlanta, GA 30303

This 21st day of October, 2004

Michelle Filippou
Process Server

G-18

Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

AFFIDAVIT OF SARAH HENDRIX

STATE OF GEORGIA
DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
CASE # 97 cv 3579

I, Sarah Hendrix, under penalties of penury, make the following statement, understanding that it may and shall be used in the above captioned case.

On August 13, 2004, Michele Filippou served Mr. Ty Ayres on the 31st floor of the Summit building, Atlanta, GA. On that same day, Ms. Filippou also served Ms. Wanda Edmundson on the 15th floor of the same building.

In order to identify the individuals, I accompanied Ms. Filippou to the Summit building that day. However, Ms. Filippou is the individual who actually handed the packages to both Mr. Ayres and Ms. Edmundson. I did not hand the packages to either individual.

After serving the individually named defendants on two different occasions, I was well aware that an independent third party must effectuate service of process. That is why I employed Ms. Filippou.

I paid Michelle Filippou for her service. If necessary, I will testify to these facts in a court of law.

Sarah Hendrix
December 20, 2004

LATRUMAH CHARDIAH
NOTARY

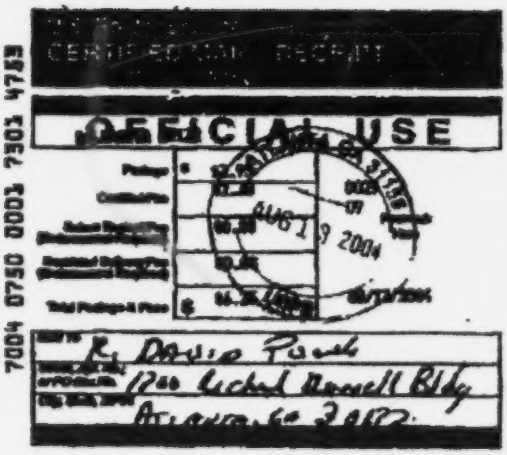


EXHIBIT 2

AO 440 (Rev. 10/93) Summons in a Civil Action ORIGINAL

UNITED STATES DISTRICT COURT

NORTHERN District of GEORGIA

SARAH E. HENDRIX

V.

SUMMONS IN A CIVIL CASE

JOHN SNOW, SECRETARY OF THE TREASURY DEPARTMENT OF THE TREASURY, ET AL DEFENDANTS

CASE NUMBER: 97-CV-3579-RWS

TO: (Name and address of Defendant)

R. DAVID POWELL
US ATTORNEY FOR THE NORTHERN DISTRICT
1800 RICHARD RUSSELL BUILDING
75 SPRING STREET SW
ATLANTA, GA 30335

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

W. DARRIN KEATON
27 COURTHOUSE SQUARE
DALLAS, GA 30132

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

LUTHER D. THOMAS

CLERK

AUG 12 2004

DATE

(BY) DEPUTY CLERK

your department that - - - such as, for example - - I hope I 'm being correct - - like a postal inspector type thing where yon could actually prosecute individuals?

A. Yes. My office has the ability to make a referral to the U.S. Attorney's Office for violation of federal crimes and with proper authority make them far all the state prosecutors for prosecution of state crimes.

Q. And with those referrals, would that include employees and taxpayers, citizens?

A. That's correct.

Q. So in your line of work, you could be at any point - - any one time investigating a particular taxpayer or investigating a particular employee of the Treasury Department?

A. That's correct, as long as it involves tax administration.

Q. Okay. Now, in your current position, is that a part of the - - and I think it's called the XD Program, executive development program?

A. No.

Q. It's not a part - - - -

A. No.

EXHIBIT 3

Q. of the executive development program? Okay. Now, when you first started with the IRS - - and I will assume approximately in 1979.

A. That's correct.

Q. Where were you stationed?

A. In San Francisco California.

Q. And haw long did you stay in San Francisco?

A. It was about seven and a half to eight years.

Q. And at some point in time, did you get transferred or move to the Atlanta area?

A. Yes, I did. I had an intervening stop along the way, but yes.

Q. And for the purposes of this deposition, I'll be referring to a relevant time period. And that time period will involve the plaintiff's time period of when she was employed in the Atlanta District of the Internal Revenue Service, approximately the beginning of 1994 until 1998. For that relevant time period, were you stationed or was your office here in - - or, in the Atlanta area?

A. It was.

Q. And what was your position for that period of time, 1999 to 1998?
A. At the time, my position title was supervisor in charge.
Q. And that was of the inspection division of the southeast region; correct?
A. Yeah. It would be the southeast region inspection service, internal security division.
Q. Did you have a short name for it?
A. Well, typically we would call ourselves internal security.
Q. Okay. All right. I'll use internal security just for the sake of brevity.
A. All right.
Q. Now, we have previously spoken with Mr. Richard Byrd. Do you recall Mr. Richard Byrd?
A. I do.
Q. And at that relevant time period, '94 to '98, what was Richard Byrd's status?
A. He was the regional inspector for the southeast region for the inspection service.
Q. And in the - - I guess the management pyramid, where did you fall in line with Mr.

Byrd?

A. There was two levels of supervision between me and him. So he - - I guess he would have been my third-level supervisor.

Q. And underneath you, how many - - how was it structured underneath you as supervisor in charge?

A. I supervised during that period anywhere between six to ten inspectors, criminal investigators, and I had office support, like a secretary I guess would be the best way to say it.

Q. Now, how many supervisors in charge were there during that time period, if you recall?

A. Well, without being precise it was six to seven, in that range. I could count them up if you wanted to give me the time.

Q. That's fine. Is it safe to say that the supervisors in charge were all on the same, I guess, management level?

A. That's correct.

Q. They each had two management levels between them and Mr. Richard Byrd: correct?

A. That's correct.

BEST AVAILABLE COPY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 19848
Washington, D.C. 20036

Mar 17, 1997

Sarah S Hendrix
3655 Habersham Rd NE
#244
Atlanta, GA 30305

Docket#: 01973280 Recd Date: 031397
Agency #1 : 962290MT
Agency #2:
Agency #3:

Dear Ms. Hendrix

This acknowledges receipt of your appeal. Any statement in support of the appeal must be received with this office AND WITH THE AGENCY within thirty (30) calendar days of filing the appeal. It is your responsibility to ensure that THE AGENCY RECEIVES A COPY OF ANY OTHER MATERIAL YOU SUBMIT TO THIS OFFICE. Failure to timely provide such copies to the agency may result in those documents not being considered by the Commission. Please include the above docket number in all submissions and inquiries to this office.

The Commission will decline any request for an extension of time for the submission of additional statements unless the request is timely made in writing. Extenuating circumstances must be shown to justify granting an extension. Submission of a request does not automatically extend the time limit. Requests far an extension of time are to be submitted to Mr. Don Names at the above address. Material submitted beyond the time limit will be returned to you and will not be considered in our decision.

You will be notified by certified mail as soon as a decision is reached on your appeal. You are responsible for providing the

Commission with notice of any change of address. Failure to do so may result in the dismissal of your appeal. The Commission will also terminate the processing of your appeal if you file a civil action, in accordance with 29 CFR 1614.410.

The Commission's appeallate regulations are found in Title 29, CODE OF FEDERAL REGULATIONS, PART 1614. You are urged to review these regulations.

Sincerely,

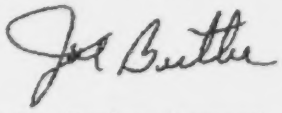
William J. Bartlett
Director
Compliance and Control Division

Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

NATIONAL TREASURY EMPLOYEES UNION
CHAPTER 26
401 West Peachtree Street, Sui te 1260
Atlanta, GA 30365

Date: November 4, 1997

To: To Whom It May Concern



From: Joe Butler, Steward
TEU Chapter 26

Subject: Sarah Hendrix

NTEU Chapter 26 has never filed a grievance and/or complaint alleging illegal discrimination based on race, color, religion, sex, or national origin. Nor has NTEU filed a complaint for Sarah relating to sexual harassment.

If you have any questions or concerns, please call me at 331-3921.

EXHIBIT 5

Case 1:97-cv-03579-RWS Document 243 Filed 01/07/2005

Internal Revenge Service

MEMORANDUM

date: October 2, 1997

to: Ms. Eva Kinnebrew
Regional Complaint Center
800 K Street Suite # 640
Washington, DC 20401

from: Sarah Hendrix
Revenue Agent
(770) 933-2238 (w)
(770) 933-2270 (fax)
(404) 233-1401 (messages)

subject: EEOC Camplaint # TD - 971372

Per our conversation, I am withdrawing the proposed termination issue of complaint # TD - 971372. I received my 60-day "opportunity letter" on July 10, 1997 but I have not received a termination notice as of this date.

Since I want complaint # TD - 971372 to proceed expeditiously, I am withdrawing the proposed termination notice issue with the understanding that I may reinstate that issue through another complaint if a termination notice is issued to me.

Thank you for your help.

EXHIBIT 6

H

Case 1:97-cv-03579-RWS Document 253 Filed 02/23/2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ORIGINAL

FILED IN CLERK'S OFFICE
U.S.D.C Atlanta

FEB 23 2005

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

SARAH HENDRIX,

Plaintiff,

vs

JOHN SNOW, Secretary of the Department of the Treasury of the United States of America, RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMUNDSON, TY AYERS, and WILLIAM ZACHERY

Case No 1-97-CV-3579-RWS

Defendants

PLAINTIFF'S AFFIDAVIT PROVIDING ADDITIONAL INFORMATION FOR THE RECORD

COMES NOW Plaintiff Sarah E. Hendrix (Ms. Hendrix"), and files this PLAINTIFF'S AFFIDAVIT PROVIDING ADDITIONAL INFORMATION FOR THE RECORD and further shows the Court the following:

I, Sarah Hendrix, under penalties of perjury, provide the following information, understanding that it may and shall be used in the above captioned case.

I am providing the attached correspondance in order to

clarify the events surrounding the filing of the Plaintiff's Response to Defendant's Motion to Strike [Exhibit 1].

Respectfully submitted this 23rd day of February 2005.

NOTARY
RAJKUMAR CHAROTARI

Sarah Hendrix
Plaintiff

Case 1:97-cv-03579-RWS Document 253 Filed 02/23/2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SARAH HENDRIX,
Plaintiff,
v.

JOHN SNOW, SECRETARY OF THE DEPARTMENT OF THE TREASURY OF THE UNITED STATES OF AMERICA, RICHARD BYRD, MICHAEL MCBRIDE, JOHN BUTKOVICH, WANDA EDMUNDSON, TY AYERS, and WILLIAM ZACHERY
Defendants

Case No 1-97-CV-3579-RWS

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. Rule 5., I hearby certify that I have served a copy of the within and foregoing. **PLAINTIFF'S AFFIDAVIT PROVIDING ADDITIONAL INFORMATION FOR THE RECORD** upon the Defendants in the case by placing a copy of the same in a properly addressed envelope with adequate postage affixed thereon to insure delivery and depositing the same in the United States mail addressed as follows:

R David Powell
Assistant US Attorney for Northern District
1800 Richard Russell Building
75 Spring Street
Atlanta, GA 30335

This 23rd day of February, 2005

Sarah Hendrix
Plaintiff

Case 1:97-cv-03579-RWS Document 253 Filed 02/23/2005

Mr. W. Darrin Keaton
27 Courthouse Square
Dallas, GA 30132
February 19, 2005

Re: Case #: 1-97-cv-3579
United States District Court
Northern District
Atlanta Division

Dear Darrin:

It has taken me almost a week to absorb the implications of your actions last Monday. To say that I am sick at heart would be a vast understatement.

1) (A) The filing of the Response to the Motion to Strike – First of all we agreed during a conversation on the morning of the hearing that I would file the Response to the Motion to Strike if Judge Story did not address the matter during the hearing. By chance, I have a recording of our conversation if you would like to refresh your memory.

Judge Story did NOT address the Motion to Strike during the hearing. All he stated was that he would determine when AUSA Powell had to file a response to the Summary Judgements filed after he considered the "scope of employment" issue.

Judge Story did NOT say that the Motion to Strike would be disregarded by the Court. Therefore, in order to protect my case it was necessary that a Response to the Motion to Strike be filed.

I never understood why you did not want to file the Response to the Motion to Strike when I had prepared it to be filed some 8 days before the hearing. Your statement that you did not want to burden the Court with extra filings does not make sense.

AUSA Powell is the one who made the initial filing and burdening the Court. Our Response to AUSA Powell's Motion to Strike was legitimate, was necessary in order to protect my

interests in the case and did not "burden" the Court. It was our obligation to file a Response or we would be conceding the Motion to Strike to AUSA Powell. Your job as my attorney is to protect my interests not put the Court's interests before my own.

I do not know what matters were discussed by you, Judge Story and AUSA Powell behind closed doors for some 15 minutes before the hearing started last Tuesday. There is no Court record of that discussion.

In fact, I do not understand why the three of you had to meet before the hearing started at all. What was discussed that could not be discussed during an open hearing?

I do know that Judge Story certainly did not mention that the Motion to Strike would be disregarded during the open hearing. Therefore, in order to protect my case, I knew that the Response had to be filed.

I left messages for you to call me at your office and on your cell phone last Wednesday, which was the **last day** that the Response to the Motion to Strike could be filed. When you did not return my calls, I signed the Response "for Darrin Keaton" and filed it with the Court. I thought that was the correct way to file it since others in the US Attorney's office had signed that way for AUSA Powell when he was sick and they filed pleadings for him.

There was no fraud on the Court. You stated in your February 14, 2005 letter that this was an "unnecessary response." I do not agree with your characterization. With nothing on the record showing that we objected to AUSA Powell's Motion to Strike, his Motion to Strike would have prevailed if I did not file the Response.

If AUSA Powell had prevailed and all of the depositions and my affidavit had been thrown out, then what would my recourse be; sue for you for malpractice?

All I need at this point in my life is another lawsuit. Meanwhile my case against the IRS and the individually named Defendants would have been over. When you refused to return my calls, I had no choice but to file the Response.

B) Contacting Judge Story and AUSA Powell without first discussing the matter with me –I am your client not them. Why would you not call me before calling AUSA Powell so that we could discuss what had happened? Why have you not called me at all since you contacted them?

Your unwillingness to return phone calls has been a continuing problem in this case and has led to much stress on me. I am not talking about daily phone calls. I am talking about you notifying me when hearing dates have been changed. I am talking about your returning phone calls when I have legal questions that need to be answered so that I can finish composing the pleadings that we have filed.

While I was composing the Responses to the 3 different Summary Judgements (USA, Mr. Snow and the Individually Named Defendants), you only spoke to me once for 3 minutes. My questions sent to you via e-mail also went unanswered.

I was initially sympathetic to you because you are being paid on contingency. Thereofre, I did not mind doing the research, writing the pleadings for your review and driving downtown to file each pleading to assure that they were timely filed.

However, there has to be some communication between a client and her lawyer or there is bound to be missteps like what happened with the filing of the Response to the Motion to Strike.

C) Apologizing to the Court on my behalf – I do not need you to apologize to Judge Story's staff, the docket clerk, and/or the filing clerk for me regarding my behavior as you stated in your letter. I was not rude to any of those individuals.

I would not have contacted any of them if you had been doing your job and were communicating with me. I never contacted any of those people when either Mr. Segerblom or Mr. Rose was representing me. I only contacted the Court since you have been my lawyer when I needed to know what was going on in my case and you would not return my phone calls.

You, not I, have put yourself in an embarassing light with the Court. Maybe you need to apologize to the Court for not keeping me informed and thus forcing me to contact the Court when I needed to knowwhat was happening in my case.

D) What did you discuss with the Judge and AUSA Powell that would make you think that the Judge would "grant the defendants summary judgement on all counts and this case would be over?"

It is unbelievable that Judge Story would make such a determination based on my filing that even you call an "unnecessary response." If he does, I can **guarantee you** two things will happen:

(1) His decision will be appealed. Your statement that "nobody will take this on appeal without a substantial amount of monies guaranteeing their attorney's fees," is not true.

(2) Some attorney(s) will pay for not representing my best interests during the 8 years of litigating this case.

2 A) The "scope of employment" issue – I was not impressed with the little bit of research that you gave me that you did sometime during the morning before the hearing (remember Lexis prints out the date that you generate the research (2/08/05) on their printouts).

My more extensive research found that, as I have always stated, it has NOT been held by the Georgia courts that an act for which an employee can be fired, is within the "scope of their employment" and that their "master" becomes the Defendant under *respondeat superior*.

"In an action in which an employee filed suit against an employer and a supervisor, alleging a claim of sexual harassment in violation of Title VII of the Civil Rights Act, 42 U.S.C.S. § 2000e et seq., the court found that the employee's supervisor did NOT commit those torts in the prosecution and within the scope of the corporate defendant's business because they involved sexual misconduct and, thus, the employee could NOT succeed aganist the corporate defendants based on *respondeat superior*." Mangrum v. Republic Indus., 260 F. Supp. 2d 1229 (N.D. Ga. 2003).

"The true test as to the scope of employment is whether *the purpose of the fellow servant in performing the act is to further his master's business*, rather than whether or not it deviated in some degree from his normal conduct." Atlanta Coast Line RR v. Heyward, 82 Ga. App. 337, 60 S.E. 2d 641 (1950). "The patient could not show one requirement for finding the hospital liable, namely that the employee's personal act did anything *to further the hospital's business*." Piedmont Hosp., Inc. v. Palladino, 276 Ga. 612, 580 S.E. 2d 215 (2003). "The mere fact that an tort occurs during a time of obstensible employment is NOT dispositive of the question of scope of employment." Southern Bell Tel. & Tel. Co. v. Sharara, 167 Ga. App. 665, 307 S.E. 2d 129 (1983). "In order to sustain the master's liability it must appear that the tort was committed within the scope of the *master's business*. If Tort of employee is personal to himself, it is NOT within the scope of his employment." Community Theatres Co. v. Bentley, 88 GA. App. 303, 76 S.E. 2d 632 (1953).

B) Also, unless you, AUSA Powell and Judge Story made some kind of deal without my knowledge, the issue should NOT have been determined by Judge Story –

"Whether the agent was acting within the scope of his employment when he committed a tortuous act is a question of fact for the jury." Personal Fin. Co. v. Whiting, 48 Ga. App. 154, 172 S.E. 111 (1933); Digsby v. Carroll Banking Co., 76 Ga. App. 656, 47 S.E. 2d203 (1948). "Whether servant acted within Scope of Employment is Jury question." "The question of whether a servant by whose act another is injured was acting within the scope of his employment is determined by a jury." Century Bldg. Co. v. Lewkowitz, 1 Ga. App. 636, 57 S.E. 1036 (1907); Friedman v. Martin, 43 Ga. App. 677, 160 S.E. 126 (1931). "The question of whether or not the servant at the time of the injury to another was acting in the prosecution of his master's business and in the scope of his employment is a determination for the jury." Jump v. Anderson, 58 Ga. App. 126, 197 S.E. 2d 644 (1938). "Where there is a deviation the question should be submitted to the jury as to whether or not the deviation from the master's business was so slight as to not affect the master's responsibility for the negligent act." Cooley v. Tate, 87 Ga. App. 1, 73 S.E. 2d 72 (1952).

C) Since you refused to file the information from which we would have prevailed on the "scope of employment" issue as I requested, I filed it myself as an Affidavit. I do not understand your refusal to file the information that would have supported our position.

I provided the same information for you to present during the hearing but for some reason you did not. Now I am faced with the possibility of appealing Judge Story's decision if he somehow determines that employees who commit acts that can get them terminated are committing such acts within the "scope of their employment."

There are specific acts that the individually named Defendants committed that would get them terminated. Every United States Senator's office that I have contacted this last week have agreed with my analysis that government employees are NOT

acting within the "scope of their employment" when they commit acts for which they can be terminated.

I do not know what special powers you have that you determined that you agreed with a decision that Judge Story has not made and, thus, you decided to not file any additional information even though Judge Story allowed us that opportunity.

3) I hope that your lack of attention to this case has nothing to do with the IRS problems that you told me that you have experienced in the last year. For your own sake, I hope that this is not true. If true, your actions will be found out as Mr. Segerblom's were.

Darrin, as Mr. Segerblom learned, you will pay a price if you get in bed with the devil. I thought you were smater than that and had more integrity than my previous lawyers.

4) I have not decided to "go this alone." I know how this Court treats *pro se* parties. You just need to start doing your job, which is protecting my best interests, not the Court's interests, not AUSA Powell's interests, and not your personal interests.

Sincerely,

Sarah Hendrix

I

AFFIDAVIT OF SARAH HENDRIX

STATE OF GEORGIA
DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
CASE # 97:cv: 3579

I, Sarah Hendrix, under penalties of perjury, make the following statement, understanding that it may and shall be used in the above captioned case.

It has taken me a long time to understand how I went from being fully successful as an International Examiner in the Manhattan District of the IRS [Exhibit P1] to being terminated from the Georgia District of the IRS some six years later. Because there was so much behind the scenes activity, I was not always aware of the particular actions of the individually named Defendants until months and sometimes years after they occurred.

For instance, although I eventually found out that the black male (Mr. Brian Word) who was selected for the International Examiner position was not qualified for the position, it was not until the most recent discovery period that I learned that Mr. Word was placed in the position on November 13,1994 [Exhibit P2], over one (1) month before the position was officially announced *for competition on December 27, 1994* [Exhibit P3].

Mr. Word thus occupied the International Examiner position for over five (5) months before the supposedly competitive ranking results for that same position were announced on April 26, 1995 [Exhibit P4].

I will probably never know of all the personally and professionally damaging actions that the individually named Defendants took against me either in their initial quest to fill the International Examiner position with their pre-selected black candidate, Mr. Word, or later to in their conspiracy

to terminate me after I had found out about their illegal activities. Therefore, the following information is provided in the chronological order that I have since learned that it occurred not in the order of when I specifically learned of it.

I was hired on July 1, 1991 by the Manhattan District of the IRS as a Revenue Agent (Series # 512) at the GS-11/1 level. The GS-11 entry grade level was based on both my previous work experience and my CPA certification [Exhibit P5].

Revenue Agents at the IRS are given four (4) Phases of training – commonly referred to as Phase 1, Phase 2, Phase 3 and Phase 4. An International Examiner is also given another two (2) Phases of training that last approximately six (6) weeks for each phase.

While in the Manhattan District, I completed Phase 1 through Phase 4 as well as both IRS International Examiner Phases of training. In order to fine tune my International tax skills, I also personally paid to take two International tax courses at Pace University in NYC [Exhibit P6].

During Phase 2 training, I was approached by a manager of an International Branch, Mr. Alan Dixon, who asked if I was interested in becoming an International Examiner. He stated that based on my performance during Phase 1 and Phase 2 training and my prior international tax experience at CitiBank, he thought that the International Examiner position would be a good fit for me. I immediately said yes. In November 1991, some 6 months after joining the IRS, I and four (4) other newly hired Revenue Agents were transferred to International Branches of the IRS in the Manhattan District.

The International Examiner position, like a Revenue Agent position, is considered a Series # 512 position. While I was an International Examiner in the Manhattan District, I received promotions to the GS 12 and GS 13 level of pay [Exhibit P7]. I was a GS 13/1 when I transferred to

the Atlanta District of the IRS (The Atlanta District was subsequently renamed the Georgia District).

In November of 1993 while visiting Atlanta, I met with Mr. Ed Watts, about a hardship transfer to the Atlanta District from the Manhattan District. At that time Mr. Watts was the Branch Chief of Large Case in the Atlanta District. The organization of the Examination Division of the Atlanta District was different than the Manhattan District. While the Manhattan District had separate international tax branches the International Examiners in the Atlanta District were part of Large Case and reported to Mr. Watts.

Mr. Watts said that there was an International Examiner 'staff year' available in the Atlanta District. However, he stated that there was not enough actual work to support the position at that time. Mr. Watts then said he expected that the international tax work would be forthcoming within six (6) months of my transfer. He stated that because of my credentials, the fact that I had held the International Examiner position in the Manhattan District, that I had good evaluations from the Manhattan District but most of all because of the money they would save not having to train someone, that I was a good fit for the position.

On November 18, 1993, I made a formal request for a hardship transfer from the Manhattan District to the Atlanta District based on my impending marriage to an Atlanta resident. On 12/22/93, my hardship transfer was approved by the Assistant District Director of the Manhattan District Ms. Francine Crowley and by the Regional Commissioner of the Northeast Region of the IRS [Exhibit P8].

Once a hardship transfer is approved by the 'giving district' (in my case the Manhattan District) the 'receiving district' (Atlanta) must accept the hardship transferor if there was a job open in that particular job series. In my case, the International Examiner position is a part of job series # 512, which is also the same series as a Revenue Agent position.

In December of 1993, I faxed Mr. Watts a copy of the hardship transfer paperwork [Exhibit P9]. When I subsequently spoke to Mr. Watts on the phone he told me to speak with William Zachary, Assistant Chief of the Examination Division when I arrived.

Once my hardship transfer was approved, the Manhattan District Chief of Examination told me that my reporting date to the Atlanta District was January 2, 1994. I closed my cases in Manhattan and turned in my credentials and computer to the Manhattan District.

After I arrived in Atlanta what I later called 'a continuing series of unexplained inconsistencies' became a part of my daily life. After I left a message on Mr. Zachery's voice mail at his office, I was contacted by phone at home by Mr. Mike McBride who told me to report to the personnel office at the IRS's offices located in the Summit Building on the 24th of January not on January 2 as I had previously been told.

Because I had already moved to Atlanta at that date, I was given the choice of either going back to New York to work in the interim or take leave without pay. I took leave without pay for the three weeks.

Mr. McBride, according to his own testimony states to the interviewer Insp. J. Jackaway "McBride said that Hendrix requested a hardship transfer to Atlanta because she said that she was engaged to a man who lived in Atlanta. Her transferred was denied, so she took a leave of absence from her job and came to Atlanta anyway." [Exhibit P10, October 23, 1996 Mr. McBride's Inspection Service Memorandum of Interview or Activity].

This is exactly what I mean about the individually named Defendants. Mr. McBride chose to lie to Internal Inspection about a matter that is easily proven on paper. My hardship was approved. I have the transfer papers [Exhibit P11]. However his statement that "she took a leave of

absence from her job and came to Atlanta anyway" makes me wonder.

Maybe my Mr. McBride imposed 'leave of absence' that he discusses in his interview with Internal Inspection was actually the three weeks of leave without pay that I was forced to take after I moved to Atlanta.

After I completed my paperwork in personnel on January 24, 2004, I was told that the District Director, Ed Goss, had requested to meet with me that day. During our meeting, Mr. Goss told me essentially the same thing that Mr. Watts had previously told me – that the district was glad to have me, that there was a International Examiner position available in the Atlanta District, that the district did not have the work to support the position at that time, and that I should "hang in there" and the International Examiner position would become available to me as soon as the work load warranted it. Mr. Goss also told me to report to Ms. Wanda Edmundson who would be my group manager at the Marietta post of duty (POD) in the interim.

On January 25th, 1994, I attended a training class at the Koger Center along with the rest of Ms. Edmundson's group. Mr. William Zachary the Assistant Chief of the Examination Division also attended the training session. After I introduced myself to Mr. Zachary, he repeated what Mr. Goss had told me the previous day – that he was glad that I was there and that there would be an International Examiner position available for her soon.

Mr. Zachary also stated that there was already a vacant Financial Products Examiner position (GS 13) that would be announced soon and that I would be put in either my previous international examiner position or the financial products examiner position. The financial products position was announced in May of 1994.

On approximately the third day that I was in the Atlanta District, Ms. Edmundson called me into her office

to ask me about my work experience and about my personal life. At Ms. Edmundson's prompting, I told her that I had been unemployed for nine (9) months prior to be hired by the IRS. I foolishly confided in Ms. Edmundson how grateful I was to be employed by the IRS after being at the edge of financial ruin. I also told Ms. Edmundson what Mr. Watts and Mr. Zachary had said about the International Examiner and/or Financial Products Examiner positions,

Sometime during my first month in the Atlanta District, Ms. Edmundson took me through a very strange tap dance. According to Ms. Edmundson, I had been paid twice for that particular pay period; once by the Manhattan District and once by the Atlanta District. I never understood how or why she had that information before I did.

Ms. Edmundson told me that I had to go downtown to get the extra paycheck from the Manhattan District. When I went downtown, I was paid in cash for that check. Then I had to sign an agreement to pay back the money over a certain period of time. Although I thought the whole process was very weird at the time I did not think it was wise to question my manager my first month in the District. I just chalked up Ms. Edmundson's manipulation of my finances as another one of a "continuing series of inconsistencies that had become a part of my daily life" since I had transferred to the Atlanta District.

It has since occurred to me that by signing the loan agreement, the named Defendants now had the right to pull up my credit report. Which is exactly what someone did Approximately seven days after my January 26, 1994 conversation with Ms. Edmundson, someone from the Exam Division approached Internal Inspection requesting that I be investigated for personal credit problems [Exhibit P12].

Once an employee has passed their one-year probationary period and background check, it is historically unheard of for the IRS to perform such credit checks on

its employees. I learned *after* I moved to Atlanta that the transferring employee **may** have to take a "voluntary down grade" in the event that the exact position occupied in the 'giving district' is not available in the 'receiving district'. However, the usual practice of the IRS is to give the transferring employee salary retention for a two-year period from the date of the transfer even if they must voluntarily downgrade their position. This allows the transferring employee two years to compete for a position at the former higher-grade level without suffering any personal economic harm. The giving district continues to pay the salary of the hardship transfer employee to the receiving district during that time period.

I learned when I received my first paycheck that the Atlanta District had NOT retained my previous GS 13/1 salary. I was instead to be paid at the GS 11/10 salary level. This amounted to a difference of $6,350 per year [Exhibit P13].

I have since learned that although the Atlanta District did not pay me for a GS 13/1 salary, they did receive the GS 13/1 salary from the Manhattan District.

Thus, the Atlanta District used the difference between my previous GS-13/1 salary and the GS 11/10 salary (around $ 6,250 per year) not to pay me but for it's own purposes.

Maybe Mr. Zachery can explain at trial what he did with the excess money. After all, the money did flow through his office. Mr. Zachery stated in his deposition "I had primary responsibility on a day to day basis of operating issues, including the budget" and "there was very little need for my involvement (in hardship transfers) beyond budget, budgetary reasons" [Exhibit P14, 10/27/2004 Zachery Deposition, Pages 21 & 22].

Further, as part of the hardship transfer procedure, the transferring employee is given special consideration when competing for any vacant position that they previously held.

It is in the best interest of the IRS for them to do so. Why should the Atlanta District of the IRS pay to train a new person in international tax?

Because of the rules of the normal ranking procedure and the employee's previous experience in the job, the transferring employee would normally be ranked first on the Best Qualified list (BQ List) when competing for a position that she had previously held unless another candidate had similar previous experience. *The only exception to a transferee not being placed in such a vacant position was if there was an ethical or moral problem with the employee.*

From February through April 15, 2000 I worked for Tax Payers Services (TPS) at the Summit Building for Mr. Lonny Smith. Mr. Smith wrote a letter to Wanda Edmundson on June 7th, 1994 thanking her for assigning me to him and commending my job performance [Exhibit P15].

That was the last of the good news for me in the Atlanta District. It was also the last letter of recommendation that I received in the Atlanta District until the September 1997 letter I received only days before I was put on administrative leave due to supposedly poor performance.

In late February or early March, Internal Inspection of the IRS contacted me to request that I come to their offices because the Manhattan District Internal Inspection had not completed my "probationary period" background investigation and the Atlanta District needed to ask me a few questions.

I later learned that this was a lie. In fact, Manhattan District Internal Inspection completed my probationary period background investigation in 1992 while I was still in the Manhattan District of the IRS [Exhibit P16].

Not realizing that I was being deceived, I met with Ms. Denise Stone of Inspection. Mr. Joe Butler, National Treasury Employees Union (NTEU) president was also in attendance since I was an NTEU member. I was completely

candid with Ms. Stone about my previous credit problems. She concluded in a memo dated April 13th 1994 that I had not made any false statements when completing either Form # SF 171 or Form # SF 85P [Exhibit P17].

Form # SF171 is the form used every time that an employee applies for a position at the IRS. Form # SF 85P is a security clearance form with a statement 'that the signer has not defaulted on any loan in the last 180 days'. I was not in default of any loans in 1991 when I initially completed both forms or again in 1992 when I again completed both forms after the personnel department of the Manhattan District lost the personnel records of all Revenue Agents who entered the service on the same day that I did. I was not in default at that time either.

Ms. Stone was subsequently ordered to reinvestigate my credit problems [Exhibit 16]. In a memo also dated April 13, 1994 Ms. Stone came to the same conclusion that she had previously [Exhibit P18].

On April 11, 1994 despite Ms. Stone's conclusion and without informing me as is required by the NTEU agreement, Mr. Ted Stewart of Internal Inspection contacted United States Attorney Richard M. Langway **to see if I could be criminally prosecuted for "lying on Form # 171."** The US Attorney "declined to prosecute in favor of appropriate administrative action." [Exhibit P19].

I was never informed at the time that I was under any criminal investigation as is required by the NTEU agreement. I only found out about this incident in 1996 after I received paperwork through the FOIA in 1996. If I had been found guilty of lying on either Form # SF 171 or Form # SF 85P, I could have been terminated. It is my belief that the management of the IRS decided to tar my professional reputation by creating ethical issues that would impact my ability to compete for any announced Grade 13 positions instead.

In June of 1994, out of the blue, Ms. Edmundson asked me if I was delinquent in paying my taxes. I had executed an installment payment agreement with the IRS based upon a three (3) year audit performed as part of my probationary background investigation. The audit is a normal procedure for each entering IRS employee. The audit determined that I had a deficiency of approximately $600 when the audit was performed.

I was making timely payments on the installment agreement. I wrote Ms. Edmundson a memo dated June 24, 1994 regarding the audit and deficiency [Exhibit 19]. There was nothing unusual about my situation. Many entering IRS employees upon audit sign up for installment agreements.

What was unusual was the fact that Ms. Edmundson had this information before I did. I was timely paying my installment agreement. The normal procedure in this situation if there was a problem would be to contact me not my employer, Again I chalked up her inquiry to "the continuing pattern of unexplained inconsistencies that had become a part of my daily life" since I had transferred into the Atlanta District.

On July 14, 1994 the newly installed Chief of the Examination Division, Mr. Dick Valdez, issued a letter to me which stated that the investigation of my credit problems was being closed "without action" and instructed that a copy of the letter and investigation would only be retained in my personnel file if I requested it [Exhibit P20].

By August 5, 1994, only three weeks later, Mr. Valdez's tone had changed. Now the Investigation had not been a mere finishing of my probationary background investigation – the lie that Internal Inspection had told me. According to Mr. Valdez's second letter the investigation was now a 'Character and Background' investigation. Mr. Valdez states in the letter "Future incidents of this nature may result in disciplinary action being taken against you, up to and

including removal" [Exhibit P21].

There was no bad act by me between the July 14, 1994 letter and the August 5, 1994 letter to explain the difference in language. When asked, Ms. Edmundson told me without any further explanation to throw the July 14th letter away – that the August 5th letter was the correct letter.

I now see that the August 5, 2004 Valdez letter was the third effort by management to find me guilty of ethical issues so that their unqualified Black candidate could be placed in the International Examiner position without any competition from me.

In September of 1994, without my knowledge Ms. Edmundson set up a meeting so that I "could talk to Mr. McBride about my future as an International Examiner". When informed of the meeting, I told Ms. Edmundson that I did not understand why I was speaking to Mr. McBride about the International Examiner position since Mr. McBride had not made any promises to me. However, to keep Ms. Edmundson happy, I agreed to the meeting.

It was my first experience with how unpleasant Mr. McBride could be. At the meeting Mr. McBride told me that I had been enrolled to repeat Phase 1 and Phase 2 training. I pointed out to Mr. McBride that I had already passed Phases 1-4 when I worked in the Manhattan District with scores above 94% each time [Exhibit P22]. He stated that he did not care – that I was going to Phase 1 – Phase 4 training no matter what I said.

I specifically asked Mr. McBride what happens if an International Examiner position is announced while I was in Phase 1 or Phase 2 training. Ms. Edmundson said that I "would be considered" if the position came available. Mr. McBride immediately corrected Ms. Edmundson stating, "No she won't – she is not getting ahead in line of my people."

Although I did not understand the full implication of Mr. McBride's statement at the time, it is now clear to

me that sending me back to Phase 1-4 training was just another tactic by management of the IRS so that I could not effectively compete for the International Examiner position.

On September 27, 1994 I received a workload review from Ms. Edmundson stating that I improperly left documents on a fellow Revenue Agent's desk that was located adjacent to mine. Because of this supposedly great disclosure crime, Ms. Edmundson gave me a "2" on the customer relations.

I objected to Ms. Edmundson's review because I knew that I had not left any material out. Ms. Edmundson would not change the review. I now understand this to be another tactic by management of the IRS to tar my professional reputation so that I could not effectively compete for the International Examiner position.

Phase training consisted of about 6 weeks of classroom training and then 12 weeks on the job training. Phase 1 ended around December 30, 1994. I passed Phase 1 classroom training with a grade of 100% and closed about 10 cases bringing in around $ 60,000 during the on the job training. Phase 2 training was slated to start on January 3, 1995.

The classroom training sessions took place at the Summit building. The on the job training sessions were located in a building located downtown on Marietta Street. Around December 29, 1994, a friend of mine from the Marietta POD called me to tell me that an International Examiner position had been announced.

The opening date for the International Examiner position announcement was December 27, 1994 and the closing date for the applications for the position was January 10, 1995 [Exhibit P23, (Announcement # 95B0030B)} The job description was identical to the International Examiner position that I had previously held in the Manhattan District.

I did not know at the time that management's pre-selected black candidate had already been in the position since November 13, 1994 [Exhibit P24] a month before the announcement date. It is hard to compete for a job that is filed before it is announced.

It is also noteworthy that the pre-selected black candidate, Mr. Word was recommended to the position by WZACH, which is an abbreviation for Mr. William Zachery, a named Defendant in this case and the Assistant Chief of the Examination Division at that time. Not knowing that the job was already filed, I and three other candidates applied for the International Examiner position.

Due to the timing of my hardship transfer, my prior evaluation had been conducted in the Manhattan District some 14 months before the announcement of the International Examiner position [Exhibit P25]. Since I had done so well in Phase 1 training I asked Ms. Edmundson to confer with Mike Bergman (the manager who was running the Phase 1 and Phase 2 training programs) so that I could submit a current evaluation with the International Examiner announcement application.

Knowing full well when that the closing date for the announcement was January 10, 1995, for some reason Ms. Edmundson arrived at the Summit building on January 13, 1995 with the new evaluation. The evaluation consisted of a score of 3 for each critical element [Exhibit P26].
Each critical element of a Revenue Agent's job is rated from 1 to 5. (5= outstanding, 4=exceeds fully successful, 3=fully successful, 2=minimally successful, 1= unacceptable) for each Critical Element of the position.

I protested the results of the evaluation to Ms. Edmundson since I knew that it did not reflect my work in the Atlanta District and was lower than my previous evaluation [Exhibit P27]. According to NTEU rules, a manager cannot lower an IRS employee's evaluation without

significant substantiation for the lower numbers.

However, Ms. Edmundson did not try to explain why she had lowered my evaluation with lower ratings. She just stated, " You were not going to get the position anyway. **It is a minority position."** I was so shocked by her statement that when I returned home that evening, I immediately relayed her comment to other IRS employees in both the Atlanta District and the Manhattan District when I got home that evening.

I thought that they might know of a category of jobs that were 'minority positions' and that were not subject to the competitive ranking system of the Civil Service Rules and NTEU. They did not.

I now understand that lowering my evaluation was just another tactic management of the IRS used to keep me from effectively competing for the International Examiner position. Unfortunately Foe me, it worked.

Ms. Edmundson's prophecy of a "minority position" proved to be correct. But it is not hard to be right when you already know the answer. The job was filled by a minority over a month BEFORE it was announced for competitive bidding as required by the Civil Service Rules.

On April 26, 1995, (some five (5) months after Mr. Word was placed in the position) the International Examiner position was **formally** given to Mr. Word – a black male:

1) whom is **not** a CPA as I am;
2) who did **not** have any international tax training either within the IRS or outside the IRS as I did;
3) who did **not** have any previous outside international tax experience as I did at CitiBank,
4) and who had **not** previously held the International Examiner position as I did in the Manhattan District of the IRS.

In fact, it appears that Mr. Word's only qualification for the International Examiner position was that he is a black

male [Exhibit P28]. He states in his deposition "that he has not had any previous international tax or training." I do not know how he could even be ranked in Critical Element # 4 – Tax Law Interpretation and Application of the International Examiner if he had no international tax training [Exhibit P29].

Mr. Word's lack of knowledge apparently did not hurt him. A little over a year later while still occupying the same position his salary was increased from a GS 11 to a GS –12 [Exhibit P30].

On January 23, 1995, my mother unexpectedly died the first day after she returned home from a visit to Atlanta. I was devastated by her death. I did not think any more about the International Examiner position until I received the job announcement results in April 1996..

After Phase 2 on the job training, I resumed my Revenue Agent responsibilities in Ms. Edmundson's group at the Marietta POD. Once I received the announcement that Mr. Word had been given the International Examiner position, I requested to see my ranking package for the position, which is my right under the NTEU rules. Ms. Edmundson would not give it to me.

Initially, I was told that "it could not be found", then it "was missing", then "oh, no, it's not missing – it never existed" or then, my personal favorite, "it did exist but it doesn't exist any longer but it may appear in the future".

In fact, as of this date, I still have not received the ranking package although all three of my lawyers have asked for it during the seven (7) year discovery period of this case. However, despite Ms. Edmundson's (and later Ms. Brazwell's) statements, evidently *my ranking file does exist.*

It was produced for the National Labor Relations Authority after I filed my complaint with their offices regarding the illegal use of the Alternative Ranking System. I guess that I am the only person who is not allowed to see it.

Even though I was never allowed to see my ranking package for the International Examiner (IE) position, I eventually found out how the pre-selected and unqualified Mr. Word was given the IE position. Management of the IRS incorrectly and illegally used an Alternative Ranking System to slide Mr. Word through the ranking procedure.

The Alternative Ranking System can only be used in very specific situations. "The alternative system can only be used when filling positions *ABOVE the journey level*" [Exhibit 31, National Agreement Between The Internal Revenue Service (IRS) and The National Treasury Employees Union (NTEU), NORD IV, Section 5 (k), Alternative Ranking Procedures].

The journey level of the # 512 job series, which includes both International Examiners and Revenue Agents, is a GS – 11.Thus, in order to qualify to use the Alternative Ranking System, the International Examiner job had to be announced at least at a GS –12 level The position was announced as a GS – 11.

However, the individually named Defendants were not going to allow a few Civil Service Rules stop them from putting their pre-selected unqualified black male candidate in the International Examiner position. As Ms. Edmundson used to always say "I have always found it easier to beg for forgiveness than to ask for permission."

The implications of a mature adult living by that philosophy, much less a powerful IRS examination manager with access to the American taxpayer's money causes me much concern. I wish Ms. Edmundson luck in her begging.

In order to keep up the charade that the International Examiner position was open for competition for all IRS candidates, IRS management turned to the easier to control Alternative Ranking System rather then the Normal Ranking System.

The Normal Ranking System described in the NTEU agreement states that an individual will be given a score that consists of two elements:

1) Sixty per cent (60%) of the ranking number is based on the evaluations given the individual in the performance of his job.
2) Forty percent (40%) of the ranking number is based on the POTENTIAL of the individual to perform successfully in the job (i.e. prior experience holding the position, technical knowledge, outside working experience, etc.)

The Alternative Ranking System, however, is *based entirely (100%) on the Individuals' subjective evaluations in the position that he is currently holding*.

The effect of using the Alternative Ranking System in my particular situation is that no consideration was given to my prior experience or knowledge, my prior international tax training, my CPA certification OR the fact that I had performed "above fully successful" when I previously held the International Examiner position in the Manhattan District. The ranking officer thus only considered my performance ratings in the position that I held at the time of the announcement. Ms. Edmundson guaranteed this result when she lowered my evaluations to a 3 in all the critical elements.

The conscious use of the incorrect ranking system in order to place Mr. Word, a black male, in a position that he was not qualified for, is another example of the continuing discrimination that I and others have endured while working in the Atlanta District. IRS management in the Atlanta District used subjective standards as a means of furthering the careers of candidates from favored ethnic groups at the expense of better-qualified individuals.

I have been told by that the practice continues to this day. It is my understanding that Mr. Zachery, a named

Defendant, was recently forced to resign from the IRS after it was found that he AGAIN used a similar approach to further the career of a personal friend, Ms. Beverly Tatum Gibson.

I could have never anticipated the amount of abuse that was to follow my request for the ranking package. Ms. Edmundson started a full time campaign of harassment. Ms. Edmundson intimated during a group meeting one day that she was proud of her moniker, "The Terminator."

Once I figured out what management had done, on April 15, 1996, I filed a complaint with the Federal Labor Relations Authority (# AT – CA – 60521) stating that the IRS had gone against the NTEU agreement by deliberately and incorrectly using the Alternative Ranking System to my detriment.

In the interim, the harassment by Ms. Edmundson and other members of IRS management continued. Sometime during August 1995, I was assigned to audit an individual who I have subsequently called Taxpayer # 1. I completed the audit with a signed agreement of tax owed in the amount of $ 7,362 and a prepayment of $1,000 for that tax obligation [Exhibit P32].

At that time the IRS was pushing an "economic reality" approach to tax audits. The idea behind an economic reality review was for a Revenue Agent to look at the whole financial picture of the taxpayer in order to determine if the correct income was reported on the return. Or, more simply – if the taxpayers were reporting only $ 25,000 per year in income on the return how can those same taxpayers afford the $ 400,000 house that they live in and the two Mercedes that are registered in their name at the DMV?

In order to assure that the Revenue Agents in any particular group were following the economic reality directives, I was told that a Branch Chief from a different Branch than mine would review the my group's Revenue Agents completed audits. The Economic Reality Review was

to assure that all possible taxpayer unreported income was found upon audit. In my case, the Branch Chief who was reviewing my group's audits was Mr. Paul Mayberry.

On August 21, 1995, Mr. Mayberry reviewed my completed audit of Taxpayer # 1. Mr. Mayberry concluded that I had not caught all of Taxpayer # 1's unreported income during the audit. Using indirect methods, Mr. Mayberry determined that there was between $ 61,269 and $ 86,239 of unreported income that had not been reported [Exhibit P33]. Based on Mr. Mayberry review Ms. Edmundson ordered that I reopen the audit of Taxpayer # 1.

Taxpayer # 1 was not pleased to have the audit reopened. When I arrived at the appointment he handed me an amended return for the same tax year that I was auditing where he claimed approximately $ 40,000 in additional business expenses that had not been previously considered during the audit. Thus, using Mr. Mayberry's approach, there had to be even more unreported income than calculated previously to cover those additional expenses.

Taxpayer # 1 was so upset with me during the appointment, that in desperation I called Ms. Edmundson to request a manager's conference with myself, Ms. Edmundson and Taxpayer #1 to resolve his concerns. Ms. Edmundson refused my request, told me to handle it and hung up the phone on me in mid conversation.

Sometime after our conversation she did meet alone with Taxpayer # 1 at his place of business. She came back from the meeting with a negative letter written by Taxpayer # 1 about the audit that I had performed. She told me that she was going to allow Taxpayer # 1 to receive the refund that he filed for on the amended return. When I questioned how she could do that considering Mr. Mayberry economic reality review results she told me that it was not my business what she did.

Ms. Edmundson also told me that she would finish the case. She took the file from me and put the negative letter in my personnel file. I was told that it would be a security violation if I went on the system to see the final results of Taxpayer # 1's audit. Although Taxpayer # 1 remained in my work inventory, I was not allowed to see it until six (6) months later when NTEU demanded it.

Thank God there are still some IRS employees who have integrity. An individual who never identified himself to me went on the system and printed out Taxpayer # 1 audit results and left it on my desk in a sealed pink envelope. It stated that Taxpayer # 1 ended up paying $ 812 in tax [Exhibit P34]. That is not a lot of tax for what Mr. Mayberry calculated to be between $60,000 and $ 87,000 unreported income.

Mr. Mayberry was also surprised at the results when Internal Inspection interviewed him after Congress forced the IRS to look into my charges against Ms. Edmundson. He states in the December 4, 1996 interview "he would be surprised to hear that someone reviewed Taxpayer # 1 audit and found that he owed less in taxes that (sic) Hendrix had calculated" [Exhibit P35].

Sometime during that month, I called Mr. Butler, NTEU president, to discuss the continuing problems that I was having with management of the IRS. He told me that he would discuss the situation with Ms. Edmundson and Mr. McBride and get back with me.

The following week I met with Mr. Butler one evening after work. Mr. Butler stated during that meeting that he had discussed my situation with both Ms. Edmundson and Mr. McBride. He stated that they told him that they had no intention of working out any problems that they had with me. He also told me they stated that they were going to downgrade my evaluation in the critical element of customer relations, and once they had established a pattern of lower

evaluations, they were going to issue me a 60-day letter and terminate me [Exhibit P36]. Mr. Butler later confirmed his conversation with Mr. McBride on this topic [Exhibit P37, Mr. Butler's November 13, 1998 Deposition].

Within a three and one half week period Ms. Edmundson solicited three negative letters about my job performance. I can prove on paper that each of the three taxpayers received a significant tax benefit for writing those letters.

Each of the three files were taken from me and closed by Ms. Edmundson [Exhibit P38]. On October 6, 1995 during a workload review Ms. Edmundson gave me my first rating of 2 in the Critical Element of Customer Relations. A '2' rating means that I performing at a "minimally successful" level in that Critical Element.

I began my tax audit career in 1985. In my entire career, I had never received any negative letters from taxpayers regarding my performance on an audit until I transferred to the Atlanta District. Despite that record, Ms. Edmundson was able to solicit three negative letters about me within a three (3) week period.

The more interesting point is that once Ms. Edmundson found out that I was reporting her actions to the NTEU, Internal Inspection and upper management, *the letters stopped*. During a conversation that I had with her at the time, she said, "I think we can work out our differences. If you work with me the letters will stop."

And miracle of all miracles, the letters did stop. From that point forward until I was terminated from the IRS I was never given another negative letter written by a disgruntled taxpayer.

Ms. Edmundson told Internal Inspection when interviewed that the letters stopped because I did not have any more inventory [Exhibit P39]. Of course this was not true. If I had no inventory what was I doing at work? I have

my time sheets that clearly show that I was working cases at the time that the letters stopped, The letters stopped because Ms. Edmundson stopped soliciting them.

On January 22, 1996 Ms. Edmundson evaluated me with a 2 (minimally successful) in the critical elements of customer relations and workload management as Mr. Butler had told me she would [Exhibit P40]. On January 26, 1996 Ms. Edmundson scheduled another workload review of me for February.

My friends in the group joked that Ms. Edmundson must have loved to spend time with me – that was the only explanation for all the workload reviews she was conducting of me. The normal procedure is for an individual to be reviewed once a year when the annual evaluation was done.

The subsequent harassment was much more subtle than Ms. Edmundson's previous actions. On September 26, 1995, Mr. Edmundson issued a memo stating that I could only take taxpayer files out of the office as I needed them to complete audits [Exhibit P41].

She stated to me that I must leave all taxpayer files in the office until the day of the particular taxpayer's audit. That meant that every morning I had to drive from my home in Buckhead to the Marietta POD pick up the taxpayer file, then drive to the audit site. In the evening I had to reverse the process.

Since I was a field auditor who by definition was suppose to conduct audits in the field, this restriction greatly increased my audit time on each audit. For instance, if the audit was in Carrollton, GA as many of my audits were, I had to drive from Buckhead to Marietta to pick up the taxpayer file, drive to Carrollton to perform the audit, then in the evening drive back to Marietta to drop off the file before I returned to my home in Buckhead. Depending on the audit site and the amount of traffic, Ms. Edmundson's restriction resulted in a minimum of an hour extra drive time per audit

per day.

The restriction had an added benefit in Ms. Edmundson's goal to terminate me. Because I had to charge the extra drive time to each case, she could then write me up for excessive time spent on each audit when she did my evaluation. It was a win-win situation for Ms. Edmundson and a lose-lose situation for me, The restriction also played a role in my 15 day unpaid suspension from the IRS during July 1996 that I will discuss later in this affidavit.

On October 12, 1995 my car broke down when returning to the office from an audit. Although I called Ms. Edmundson to report what had happened and my location, she decided reported my time as AWOL. Those hours were deducted from my pay for that week.

I had to grieve this ridiculous action through the NTEU grievance process. Mr. Ayers, another named Defendant, eventually determined that the time should have been recorded as administrative leave and not deducted from my pay [Exhibit P42]. Despite Mr. Ayer's determination, neither the time nor the money was ever returned to me.

When Hurricane Opel tore through Atlanta, everyone in Ms. Edmundson's group was given four (4) hours administrative leave based on an executive order by President Clinton. I was granted (1) hour. Again I had to file a grievance through NTEU to get the extra three (3) hours of leave restored [Exhibit P43]. And, again, even though I won the grievance, the time was never restored to my leave statement.

On February 1, 1996 I received a signed Revenue Agent Report (RAR) from another taxpayer. When I went to process the RAR and close the case, the Taxpayers file had been taken from my locked file cabinet. Ms. Edmundson and her secretary Ms. Rosa Wright were the only individuals who also had keys to my file cabinet.

When I reported the incident to Ms. Edmundson she

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did not appear to be concerned about it even though losing a taxpayers original tax return is grounds for termination of an IRS employee [Exhibit P44]. I reported the lost file to Internal Inspection [Exhibit P45]. The file was eventually found in Ms. Edmundson's office during a workload review.

On February 2, 1996 I requested a meeting with the District Director Mr. Al Brooks to discuss what Ms. Edmundson was doing [Exhibit P46]. He refused to meet with me.

On February 5, 1996, Ms. Yvonne Durden (NTEU representative) with my permission requested Ms. Edmundson to produce my personnel file for our review [Exhibit P47]. We were concerned about what Ms. Edmundson had put in file that we did not know about. Ms. Edmundson never produced the file.

On February 6, 1996 I filed a grievance with NTEU regarding my annual appraisal that contained a 2 (minimally successful) in customer relations. I also requested that I be transferred to another group and that my ratings be raised to 3s as a remedy [Exhibit P48].

On February 22, 1996 I was AGAIN "randomly selected" for a third security clearance that included an audit of my current tax returns [Exhibit P49]. After I refused to cooperate the matter was dropped.

On February 23, 1996 I was notified that Phase 3 training would be from March 18 through April 5, 1996. I had previously taken Phase 3 training in the Manhattan District and scored 96% [Exhibit P50].

On February 26, 1996 during a workload review that Ms. Durden (NTEU steward) attended, Ms. Edmundson concocted a totally fabricated story about my faxing a memo to the Koger Center. If the incident were true management could have punished me for disclosure. When I proved to Ms. Edmundson that I did not possess the memo that she said I faxed, she dropped the subject [Exhibit P51].

It was also during this workload review that I supposedly threatened Ms. Edmundson's life. Neither Ms. Durden nor I heard me make any threatening comment.

On March 5, 1996 Ms. Edmundson wrote a memo to Internal Inspection reporting that I made "idle threats against her in the workplace" specifically threatening her life [Exhibit P52]. Although Internal Inspection took Ms. Edmundson's memo seriously and thoroughly investigated Ms. Edmundson's ridiculous complaint, they refused to look into the security of my file cabinet. [Exhibit P53].

On March 7 and 8, 1996 I stayed home from work because I was sick. On both days, I timely called in to work within the required two hours to report that I was ill and to request sick leave. During the morning of March 8, 1996, Ms. Edmundson called me at home and ordered me to get out of my sick bed and bring in the taxpayer cases that I had been working on. I was working on the cases on my own time in anticipation of what had become monthly workload reviews. When I told Ms. Edmundson that I was too sick to get out of bed much less drive to Marietta with the cases she hung up the phone on me.

Later that day an individual that I did not know called me from the intercom system in my apartment complex. The individual identified himself as being from Internal Inspection of the IRS. He initially stated that he wanted to come to my apartment to "just talk to me". I told him that I was too sick to entertain company. I also asked him for his phone number so that I could verify that he was from the IRS. He refused to give me his phone number.

He then stated that he was really there to pick up the taxpayer files that I had at home. When I asked him if he had written orders that stated that he could take the files he stated that he did not. I told him that I would not turn over the files without written orders. I then hung up the phone.

I was very concerned about letting someone in my apartment that I did not know. During the previous summer a woman in another building in the apartment complex had been beaten to death during the day.

I then called Internal Inspection and spoke to Mr. John Butkovich, a named defendant in this case. He identified the individual who had been at my door as an IRS employee. He also stated that there were no written orders to take the cases. I told him that unless there were written orders, I was not going to turn over the cases and face possible disciplinary actions because of disclosure of taxpayer information.

At that point Mr. Butkovich got very abusive with me and told me that I faced possible criminal action if I did NOT comply with his order. However, I knew that it is a felony to disclose taxpayer information to anyone *even employees of the IRS*.

According to IRS Document # 9950 – Reporting Misconduct – A Guide for All Employees "Disclosure of tax return or information pertinent to a tax return is a violation of law and thus subject to civil and criminal sanctions". [Exhibit P54]. If I turned over the files to a stranger without written orders, I could be prosecuted for disclosure for each case that I gave that individual.

I also knew that setting someone up for disclosure problems was a common ploy used by IRS management and Internal Inspection when they wanted to harass and/or terminate someone. According to IRS Rules of Conduct, however, I could have turned over the cases to Ms. Edmundson because she was my direct line manager if she had come to my apartment.

I later found out that Ms. Edmundson was within five (5) minutes of my apartment that day when she traveled from the Marietta POD to the Summit Building. She could have easily swung by my apartment to pick up the cases if it was so important for her to have them on a Friday afternoon.

It is my belief that the reason Ms. Edmundson chose to get Internal Inspection involved was to raise disclosure problems for me.

Phase 3 training was scheduled to begin after lunch on March 18, 1996 at the Koger Center. Ms. Edmundson told me that I could not go to Phase 3 training until Mr. McBride arrived Marietta POD. She said that he had something he wanted to discuss with me. Although I did not know it at the time, that meeting was the beginning of what I later referred to the Phase 3 Nightmare.

I called Ms. Durden of NTEU to request that she also attend the meeting with Mr. McBride so that I would have union representation at the meeting. Mr. McBride arrived around 12:50 for the meeting. Phase 3 training started at 12:30 some 10 miles away at the Koger Center. So having to attend Mr. McBride's meeting made me miss a significant portion of the first day of Phase 3 training.

Mr. McBride presented me with a letter of proposed adverse action that stated that I was to be suspended without pay for 15 days because I supposedly had 'failed to follow management directives' by refusing to give the cases to Internal Inspection and that I supposedly 'disrupted the workplace' by threatening Ms. Edmundson's life [Exhibit P55].

I was absolutely astounded by the letter. I have never threatened Ms. Edmundson's in any way – much less her life. Ms. Edmundson is at least five (5) inches taller than me and carries at least 50 more pounds on her body than I do. How was I going to kill her? I do not own a gun nor do I know how to use one.

Also violence has never been a part of my or my family's life. I was raised as a member of the Church of the Brethren, which is a descendant of the Quaker Church. The Church of the Brethren is one of the few churches whose male members may be recognized as conscientious objectors

by the U S Government. All church members are raised to reject violence in any form.

During a previous March 6, 1996 meeting Mr. McBride had shown me a memo that I had written on March 1, 1996 [Exhibit P56]. He picked out one sentence out of context from that memo that supposedly showed my evil intent. I do state in the memo "However, if I was Ms. Edmundson, I would be fearful."

However, what I actually state is "There is always the hope that Ms. Edmundson will come to the conclusion that she can not intimidate me into quitting my job – no matter what she does, I am without fear. However, if I was Ms. Edmundson, I would be fearful. She has made some major mistakes and is now trying to put her burden on me. She is wasting everyone's time with this silliness". I asked Mr. McBride during the March 6, 1996 meeting what he thought I was threatening Ms. Edmundson with – excessive silliness?

I have since found out that Ms. Edmundson and Mr. McBride solicited three statements from IRS employees that supposedly supported Ms. Edmundson statement that I had threatened her life [Exhibit P57].

One of the individuals told me that Mr. McBride threatened that he would never get his GS -13 if he did not produce the statement [Exhibit P58]. Another individual, Ms. Rosa Wright, was Ms. Edmundson's secretary at the time and was later Mr. McBride's secretary. Her disdain for me is evident in her deposition [Exhibit P59].

The third individual, Mr. Ed Ladusky, changed his statement at least once in order to accommodate Ms. Edmundson's view of the world. It is my understanding that Mr. Ladusky has provided similar documents for Ms. Edmundson when she had previously gotten in trouble using her heavy-handed tactics.

It is interesting that Ms. Edmundson claims that she

and I had a good relationship except for my 'performance issues.' She also stated that she never perceived any resentment from me. [Exhibit 60, Defendant Edmundson's October 12, 2004 Deposition]. On the one hand I was suspended for 15 days because I supposedly threatened Ms. Edmundson's life and on the other hand, Ms. Edmundson did not notice any resentment on my part.

Although the Adverse Letter that Mr. McBride brought to the meeting is dated March 18th, it was not imposed until July 15, 1996. Mr. McBride held that letter over my head for four months.

Phase 3 training was a nightmare. People in class stated to me that Ms. Edmundson must have missed me because she was at the Koger Center two or three times a week during the whole six (6) week training period. She pulled me out of the classroom for the most ridiculous matters so that I would miss the classroom instruction. It was obvious to everyone in the classroom what was going on. One classmate felt so bad for me that she wrote me a note trying to buck up my spirits [Exhibit 61].

At one point, I attempted to speak to Mr. Valdez, Chief of the Examination Division, about my situation when he visited Phase 3 training. He refused to discuss anything with me even though I had arranged to have another individual present to prevent any more accusations of death threats. He stated that "he could not get involved in the situation" even though it was his signature on the adverse letter.

By the end of Phase 5 training I was an emotional wreck. Because of the harassment and the distractions, I did not pass Phase 3 classroom training even though I had passed the exact same training with a score of 97% when I had previously taken it in the Manhattan District [Exhibit P62].

After I failed Phase 3 classroom training, I was

refused Phase 3 on the job training. Ms. Edmundson also told me at the time that there was a good possibility that I would not be allowed to repeat Phase 4 training.

I was put in a worse position than Mr. Don Dolan was placed during Phase 2 training. Mr. Dolan is a white IRS employee who was discriminated against and who was successful in his suit against the IRS. He at least got his on the job training during Phase 2 even though he had failed the Phase 2 classroom training.

As is revealed in the decision in Mr. Dolan's case, black individuals are treated very differently than white individuals in the Atlanta District. Ms. Kathy Brown (black), Mr. Marvin Burr (black), and Mr. Ron Jones (black) were given extra on the job training during Phase 2 when they did not do well during the classroom portion of that training [Exhibit P62].

Ms. Edmundson and Mr. McBride denied me Phase 3 on the job training from April 1996 until August 1996 [Exhibit P63]. Even though Ms. Edmundson's states in her October 12, 2004 Deposition that she "wanted to afford me every opportunity to succeed, she denied me on the job instruction after Phase 3 classroom training for at least ten (10) weeks [Exhibit P59, Defendant Edmundson's October 12, 2004 Deposition].

Sometime in April I received a letter dated April 18, 1996 from Employee Tax Compliance saying that the IRS wants to AGAIN look at my 89-90 taxes [Exhibit P64]. The letter states that an employee can be subject to discipline including possible removal. I refused to cooperate with the audit and the matter was dropped.

Sometime during April or May of 1996 on the advice of NTEU, I called a Ms. Colquitte, an EEO counselor who worked in the Regional Office of the EEOC. When I told her what was going on she stated that she did not think that I had an EEOC complaint but that I should be very worried about

my job. It appeared to her after only a phone conversation that I was being targeted for dismissal.

During that time, I was in contact with Senator Coverdell's office to explain Ms. Edmundson's illegal activities and ask for help [Exhibit P65]. Following my discussion with Senator Coverdell's office and after I received the FOIA information that stated that Internal Inspection had approached the US Attorney's office in an attempt to have me criminally prosecuted for lying on my Form # 171 *within 15 days of my transferring into the Atlanta District,* I filed my first EEOC complaint.

By coincidence, Mr. Word was transferred out of the International Examiner position into a Self Employment group after I filed the EEOC complaint [Exhibit P66]. Therefore, Mr. Word was in the International Examiner position from November 1994 until August 1996.

The NTEU had told me that it was too late for them to file an Unfair Labor Charge regarding the incorrect use of the Alternative Ranking System when ranking the International Examiner position but that the same time restrictions did not apply to me. I filed an unfair labor charge against the IRS with the Federal Labor Relations Authority (FLRA) on April 15, 1996.

On May 15, 1996 Mr. Ty Ayres, Assistant District Director of the Atlanta District, issued a letter to Senator Coverdell's office stating that Mr. McBride was the Chief of the Examination Division and that all information that Senator Coverdell's office received from me should be sent to Mr. McBride [Exhibit P67].

According to Mr. Nixon of Senator Coverdell's office, Mr. Butkovich, a named Defendant in this case, also gave him the same instructions regarding the information that I sent to the Senator's office. Thus, the information that I sent to Senator Coverdell's office was being directly sent to an individual who is named in my EEOC complaint. I only

found out this information much later by pure accident.

On June 7, 1996 Ms. Audrey Mahone issued a memo to Ms. Michelle Stanley-Lee requesting my ranking package for International Examiner position so that the IRS can respond to the FLRA charge [Exhibit P68]. As I stated before, as of this date, some 8 years later, I still have not seen my ranking package. But at least we know that it exists.

On May 16, 1996 I made an Oral Reply in front of Mr. Zachery, a named Defendant, protesting my 15 day unpaid suspension [Exhibit P69].

On June 10, 1996 Ms. Mahone of Labor Relations, wrote a memo to Mr. Valdez informing him of the UFLP claim [Exhibit 70]. Contrary to what the Defendant's counsel states in his Motion, Mr. Valdez as well as the District Director, Mr. Al. Brooke, were kept completely informed of the nightmare my life had become.

On June 17, 1996 I contacted Congressman Newt Gingrich's office to report Ms. Edmundson's illegal activities and solicited his Office's help. [Exhibit 71]. On June 26, 1996 someone named Mary M wrote a memo to Al Brook, District Director of the IRS, acknowledging that the wrong ranking system had been used when ranking the International Examiner position and stating that 'no harm' was done to me [Exhibit P70].

This statement is absolutely untrue. As I have previously shown, I lost at least $ 6,350 PER YEAR because of the Atlanta District's actions. On July 12, 1996 I received a semi annual Job element appraisal that evaluated my job performance with five 2s and two 1s and one 3 in the Critical Elements. Evaluations are traditionally done only once a year.

The IRS imposed the 15 day unpaid suspension during the Olympics on July 15,1996. To this day when I think of the 1996 Olympics, I remember how upset I was when they were going on.

I requested that the NTEU file a grievance regarding

the 15 day unpaid suspension but they refused [Exhibit P71]. On August 12, 1996 I received a letter from the NTEU lawyer, Mr. Timothy Walsh, that stated NTEU would not grieve my 15 day unpaid suspension [Exhibit P72]. I appealed the NTEU decision to no avail [Exhibit P73].

On August 1, 1996 I contacted Ms. Donna Spelle Flynn, Staff Director House Committee on Ways and Means to report the illegal activities that were going on at the IRS [Exhibit P74]. I also contacted other members of Congress at that time.

The information that I submitted to Congress finally forced the IRS to begin an investigation of Ms. Edmundson. The IRS had no choice when Congresswoman Nancy L. Johnson's office contacted Mr. Gary Bell, Chief Inspector of the IRS [Exhibit P75].

The IRS did not ask me for my input during in the investigation. I only saw the Investigation Report during the lengthy discovery period of this case. On August 4, 1996, my first EEOC complaint went formal (Exhibit P76, Complaint 96-2290 MT).

Ms. Edmundson and Mr. McBride only allowed me Phase 3 on the job training after I went formal with that EEOC complaint. I started Phase 3 on the job training on August 14, 1996 only 3 weeks before Phase 4 classroom training began. Despite the time lag between my Phase 3 classroom training and Phase 3 on the job training, I passed the on the job training portion of Phase 3. Thus, I received three weeks of Phase 3 on the job training while everyone else in the group had ten weeks of on the job training.

The harassment by Ms. Edmundson continued. On August 5,1996 Ms. Edmundson required me to write a memo explaining what I had done on an audit in Carrollton, GA. She did not require the same information from any other Revenue Agents in her group.

On August 19, 1996, Ms. Edmundson demanded that

I get a note from the taxpayer to prove that I was actually at the audit. The note stated that I was at the taxpayer's place of business before the taxpayer arrived [Exhibit P79].

On August 20, 1996 I received a letter from the Department of the Treasury Regional Complaint Center in Washington stating that my first EEOC complaint was being transferred to the Dallas Regional Complaint Center [Exhibit P80].

Once I filed my first EEOC complaint, management of the IRS saw the need to get Mr. Word out of the International Examiner position that he had occupied since November 1994. On 8/21/1996 Mr. McBride, a named Defendant in this case, requested that Mr. Word be prompted and transferred out of the International Examiner position. The move was effective September 15, 1996 [Exhibit P81].

The IRS tried to cover their tracks by stating that Mr. Word was only "detailed" to the International Examiner position [Exhibit 85]. However, as is evidenced by the paperwork. Mr. Word was in the position from November 1994 before the announcement of the job through September 1996. According to NTEU rules a detail is for 120 days and can be extended ONLY once for another 120 days.

On August 26, 1996, I was notified to report to Phase 4 classroom training on September 9, 1996. Phase 4 in the classroom training was to scheduled to end on September 27, 1996.

I was finally transferred out of Ms. Edmundson's group during September 1996. My new manager, Ms. Carin Baswell (her married name now is Carin Brazwell), also reported to Branch Chief, Mr. McBride. So even though I no longer reported to Ms. Edmundson, Mr. McBride was still my direct line supervisor.

The harassment continued under Ms. Baswell. In one memorable incident Ms. Baswell accused me and wrote me up for supposedly stealing a red ink pen, a pencil and

an IRS phone directory from a taxpayer's representative's office. I did not take those items. I already had all the writing instruments I needed as well as an IRS phone directory.

On September 27, 1996, I passed Phase 4 classroom training with a grade of 80%. I was assigned Ms. Dorothy Poole as my on the job instructor. It turned out that Ms. Poole had an entirely different agenda than just being my on the job instructor. During the whole Phase 4 training period, Ms. Poole would make comments to me like "your dead mother would be so ashamed of you now" and "How can you be a CPA and still be so stupid?" I did not find Ms. Poole's comments particularly helpful.

On October 10, 1996 Ms. Melissa Hardy requested the ranking package information for the International Examiner position from Mr. Finer of IRS in order to investigate my FLRA unfair labor charge [Exhibit P84]. Although they must have supplied the information to Ms. Hardy, I was still not allowed to see my own ranking package. On October 24, 1996 I again requested my ranking package form Ms. Baswell [Exhibit SH 89]. She laughed at my request and stated "I am not going to bother asking for it. They are not going to give it to you".

On October 11, 1996, I received a memo from Mr. Valdez warning me to pay any personal tax obligations that I owed or face disciplinary action. [Exhibit P85]. When I looked into the matter I found out that I owed $2.90 in tax [Exhibit P86]. I immediately paid the $ $2.90 that I owed.

On October 29, 1996 Ms. Baswell informed me that when she had arrived at work that morning, she found that my file cabinet was not locked. If any files had been taken from the file cabinet, I could have been charged with disclosure. I requested a new lock for the cabinet. I also requested that Ms. Wright (who was Mr. McBride's secretary at that time) NOT be given a key to that lock. Ms. Baswell refused my request. I purchased my own lock and put it on

the cabinet.

On November 20, 1996 during a conversation I had with her when she also derided my supposed lack of audit skills, Ms. Poole stated **"I do not want to be the one to put the final nail in your coffin but I will be if I have to."** I reported the conversation to Ms. Baswell and documented it in a memo to her. Ms. Baswell refused my request for a different on the job instructor for the rest of Phase 4 training.

Ms. Poole did her best "to put that final nail in my coffin." She did not pass me for Phase 4 on the job training.

On November 26, 1996 I received the decision by the FLRA dated October 31, 1996. I requested an extension of the normal thirty days allowed to appeal because I had not received the notification until that date. Mr. Carol Pope approved the request for the extension on December 5, 1996. I timely filed that appeal on December 25, 1996 [Exhibit P88].

On December 6, 1996 the EEOC informed me that they were dropping some of my complaints because I had not timely filed them. On December 13, 1996 I wrote to the EEOC stating that the complaints were timely filed and demonstrated "a continuing pattern of harassment, intimidation and retaliation since I transferred to the Atlanta District," Exhibit P89].

On January 2, 1997 I wrote to Senator Coverdell's office regarding Mr. Butkovich's decision to close the investigation of Ms. Edmundson without my input [Exhibit P90].

On January 10, 1997 I wrote a memo to Ms. Baswell regarding Ms. Wright's, (Ms. Edmundson's former and Mr. McBride's current secretary) threatening me in front of other employees that I was soon going to be terminated [Exhibit P91]. Ms. Wright's 'disruption in the workplace' was never investigated.

On January 13, 1997 I wrote a letter to EEOC

updating them on the continuing harassment that I was receiving from management of the IRS [Exhibit 98]. On January 14, 1997, I received a letter from Ms. Linda St. Amant of the EEOC Regional Complaints Center requesting additional time to investigate my complaint [Exhibit P92]. **The very next day**, on January 15, 1997, I received another letter dismissing all my complaints except the 15 day unpaid suspension [Exhibit P93].

To further confuse the matter, I received another letter from the EEOC on January 23, 1997 again dismissing all but one of my complaints. The letter also stated that "If you disagree with the issue(s), please notify me in writing within five (5) days of receipt of this letter. If no response is received, I will assume that you agree with the issues and will proceed with the investigation of the {one} complaint." This was a narrowing down the Complaints for Investigation letter not a Final Decision letter.

The letter continues "After receiving the Department's final decision on the remaining complaint, the complainant has the right to appeal it to the MSPB within 30 days of the receipt of the decisions **OR** may file a civil action with the appropriate federal district court within 30 days of receipt of the final decision" [Exhibit P94].

During that time, I found that this was the problem with dealing with both the EEOC and the Office of Special Counsel (OSC). Either no one understands what their duties are or there is a deliberate effort by these governmental agencies to sideline any complaints of reverse discrimination. In some instances it appears to be just ineptitude at work. For instance, OSC stated that I worked for the Department of Veteran Affairs not the Internal Revenue Service [Exhibit P95].

On January 24, 1997, I received a letter from Senator Coverdell's office confirming that they had received the information that I had sent them. The letter also stated

that they were forwarding my information to the IRS for investigation [Exhibit P96].

On January 27, 1997 Senator Coverdell's office sent my information to Mr. McBride, a named defendant in this case and one of the individuals named in my first EEOC complaint. In January of 1997, neither Senator Coverdell's office nor I knew that my information was being passed directly to the individual that was responsible for the placement of Mr. Word in the International Examination position.

As we both discovered later, Senator Coverdell's office thought the information was being sent to the Chief of the Examination Division, Mr. McBride. Senator Coverdell's office received the instruction to forward my information to Mr. McBride from Mr. Ayres, a named defendant in this case, and Mr. Butkovich, another named defendant [Exhibit P97].

On February 4, 1997, I wrote the EEOC Regional Complaint Center asking them if they had received any of my correspondence [Exhibit P98].

On February 12, 1997, in another instance of the continuing series of inconsistencies in my life, I had to specially request my 1996 W-2 in order to file my taxes because the IRS had not sent it to me [Exhibit P99].

On March 17, 1997 I received an acknowledgement by the EEOC that they had received my appeal of their decision to narrow the investigation of my EEOC complaints to the 15 day unpaid suspension. There has been no indication from the EEOC that I had filed the appeal with the wrong entity [Exhibit P100].

Please note that the instructions in the package specifically state that "In the event that the matter at issue in the complaint is appealable to the Merit Systems Protection Board, i.e., the matter is a mixed case, the Complainant may file a mixed case appeal with the MSPB OR may file a formal mixed case EEO complaint. **The Complainant may**

not file both an MSPB appeal and an EEO complaint on the same matter. The process selected first is deemed the elected process [§1614.302(b)]" [Exhibit P101]. The second EEOC complaint went formal on July 15, 1997.

On April 18, 1997, I received a letter Mr. Michael Nixon of Senator Coverdell's office that included an April 16, 1997 letter over the name of Gary D Bell (but signed by someone else) that stated the investigation of Ms. Edmundson had been completed [Exhibit P102].

The specific results of the Investigation were not shared with me. If they had been, I could have informed Mr. Bell that I had never been personally interviewed by Internal Inspection during the investigation as was stated in the Investigation Report [Exhibit P103].

When I received that letter I immediately called both Mr. Bell and Mr. Nixon. It was during my conversation with Mr. Nixon that I found out that Mr. McBride had been misrepresented as the Chief of the Examination Division to the Senator's office.

I immediately informed Mr. Willliam Cohen, Assistant Regional Inspector, Internal Inspection of the IRS, that Mr. McBride and Mr. Butkovich had interfered in the investigation of Ms. Edmundson's illegal actions [Exhibit P104].

On May 21, 1997, I filed my second EEOC complaint [97-1320] stating that Mr. McBride, Mr. Ayers, and Mr. Butkovich had intervened with the investigation of Ms. Edmundson's illegal actions [Exhibit P105].

When I informed my manager, Ms. Baswell, that I had filed my second EEOC complaint, she stated, "your 60 day opportunity letter will be coming within the next week". A 60-day opportunity letter is given to an employee of the IRS to notify them that they have 60 days to improve their performance or they will be terminated. During the 60 days the individuals' IRS manager is supposed to work with the

employee to help them improve their performance. The 60-day opportunity letter was issued to me on July 10, 1997

On June 24, 1997, I sent Mr. Bartlett, of EEOC, a letter listing the individuals in the IRS that I had contacted about Ms. Edmundson's illegal activities [Exhibit P106]. Please note that all the individually named Defendants in this case are also named in this correspondence.

When the 60- day opportunity letter was issued to me on July 10, 1997, I filed EEOC complaint # 3 [# 97-1372] stating that I was the recipient of harmful retaliatory actions and that I was subject to termination after 60 days.I also contacted the Office of Special Counsel to see if I could get some protection from termination under the Whistleblower Protection Act.

On July 17, 1997, I contacted Senator Canady's office requesting his help regarding my impending termination [Exhibit P108].

On August 27, 1997. I received a letter regarding EEOC complaint # 2 stating that the EEOC was dismissing the complaint because I had supposedly already raised the issue with NTEU [Exhibit P109].

I did not raise the issue of Mr. McBride, Mr. Ayers and Mr. Butkovich interfering with the investigation of Ms. Edmundson's illegal activities. I also never raised a harassment issue with the NTEU as is evidenced by a letter written by Mr. Butler, Chief Steward, NTEU [Exhibit 110].

On September 1, 1997, I wrote a memo to Ms. Baswell because I was not receiving any help or guidance from her in order to improve my performance while I was under the 60-day opportunity letter window. [Exhibit P111]. I also put in writing what I had previously discussed with Ms. Angela Rush of the office of Special Counsel.

On September 2, 1997, I wrote a letter to Mr. Richard Byrd, a named Defendant in this case, to inform him that someone was changing the Revenue Agent Reports that I

issued and thus issuing false government documents [Exhibit P112].

On September 9, 1997, I faxed information to Senator Trent Lott's office [Exhibit P113].

Because I was not getting any help from Ms. Baswell and also because I knew that she was undermining my authority with the taxpayer's that I was auditing by negotiating my cases with them behind my back, I decided to not sign out when I went on my next audit. On September 10 and 11, 1997, I successfully completed an audit and secured an agreement and a large adjustment because no one in IRS management knew where I was.

When I returned to work, I had to produce proof of where I was when I was in AWOL status [Exhibit P114]. The representative for the taxpayer wrote an unsolicited letter praising my conduct of the audit [Exhibit P115]. As I said before, the only difference between this audit and the other unsuccessful audits that I conducted was that IRS management did not know where I was.

On September 15, 1997, I contacted Representative Mac Collins to solicit his office's help regarding my approaching termination [Exhibit P116].

During the day of September 26, 1996, five different people came up to me and asked me if I had been fired. When I questioned Ms. Baswell about the rumor, she denied any knowledge of my impending termination.

On October 2, 1997, I was contacted by Ms. Kinnebrew of the EEOC Regional Complaint Center. She requested that I drop the termination portion of EEOC complaint # 3 since I had not been terminated yet. I wrote Ms. Kinnebrew a brief memo in order to document her request [Exhibit P117].

On October 3, 1997, I turned in a fraud referral that showed that the taxpayer owed at a minimum $ 1,352,032 in tax [Exhibit P118]. Because the management of the IRS was

more concerned with firing me than my being successful in the job, they refused to process the referral. My fraud referral is supported by the review of an independent CPA [Exhibit P119].

On October 7, 1997, I updated Senator Lott's office on the actions of IRS management [Exhibit P120].

On October 10, 1997, I was put on administrative leave [Exhibit P121]. I turned in all my cases, my credentials and my computer. A friend of mine told me later that by the time he had returned from helping me take my things to the car, management had already changed the locks on the doors where we worked.

After I was put on administrative leave, on October 24, 1997, I again contacted the Office of Special Counsel [Exhibit P122].

On November 15, 1997, I spoke at Newt Gingrich's town hall meeting. My comments were reported in the Atlanta Journal-Constitution. [Exhibit 123]. The following week I met with Mr. Valdez to make my Oral Reply regarding my proposed termination [Exhibit P124].

On November 17, 1997 I received a decision from the Office of Special Counsel. The most notable part of the decision was that **they thought I worked for the Department of Veteran Affairs not the IRS** [Exhibit P125]. I subsequently wrote a letter to the same office questioning why they had not gotten any of the information correct in their decision letter [Exhibit P126].

On November 28, 1997, I filed this case in District Court.

On December 27, 1997, I wrote a letter to Acting IRS Commissioner Mr. Michael Dolan in a last ditch attempt to let internal IRS management handle the obvious moral deterioration of the agency. He never responded to my letter. As other whistleblowers have found, IRS management is not interested in correcting the problems within the agency, they

are only interested in covering them up.

On January 10, 1998, I received notice that I was retroactively fired effective December 29, 1997 [Exhibit P127]. On February 13, 1998, I filed EEOC # 4 citing wrongful termination [Exhibit P128].

It turns out that I am not the only individual who has suffered from reverse discrimination tactics at the IRS. On May 9, 1997, in a ruling in the United States District Court, the Western District of Louisiana, the Shreveport Division, the IRS affirmative action plan – A Design for Organizational Diversity of Strategic Initiative, ERR-16, Minorities and Women Within the IRS (IRS Publication Document 7654 (9-90) (ERR-16) was declared to be unconstitutional [Exhibit P129].

The most informative part of the decision is that it reveals that managers who accomplish ERR-16 goals are monetarily rewarded and those who do not are punished. The monetary rewards given because of ERR-16 are also given in the Atlanta District [Exhibit P130].

Mr. Zachery, a named Defendant, in His October 27, 2004 Deposition states "I am not familiar with a program specifically directed at minorities." And "I am not familiar with a program specifically directed at minorities" [Exhibit P131, October 27, 2004 Deposition of Defendant Zachery]. However, Mr. Zachery signed the monthly ERR-16 reports that specifically listed the minorities that were promoted within the Atlanta District [Exhibit P132].

Mr. Zachery, like Mr. McBride, obviously is not uncomfortable with lying about anything even if his lie can be disproved on paper.

Despite this lengthy affidavit, I have not addressed all the discriminatory and retaliatory acts that were inflicted on me while I was in the Atlanta District of the IRS. I just hit the high points or actually, from my point of view, the low points. I only survived the experience with the help of many

good IRS employees who are as upset at the tactics used by the individually named Defendants as I am.

I am not the only IRS employee who reported illegal acts to Internal Inspection and no action was taken. I am not the only IRS employee who suffered from Ms. Edmundson's and Mr. McBride's uncontrollable tempers. I am not the only whistleblower whose reports have been ignored by management of the IRS [Exhibit P133].

There are many former IRS employees who are willing to testify at my trial. There are also some current IRS employees who have stated that they will testify at my trial even though they know it would be detrimental to their careers.

It has been a very long process to get my case to trial. I would never have invested so much time if I were not convinced that it was mandatory to get the corruption of the Atlanta District before a jury and the American public. I can not believe that any taxpaying jury will like the fact that the individually named Defendants gave away over $ 2,300,000 of their money in order to get me fired.

I am hopeful that the individually named Defendants will be terminated from their powerful positions once their illegal and unethical actions are exposed.

I am a resident of Fulton County, Georgia and am over the age of 18. I have been a resident of Georgia since 1994. I represent that the information provided here is the truth to the best of my knowledge.

Sarah Hendrix

January 3, 2005

J

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:97-cv-03579-RWS

Hendrix v. Rubin, et al
Assigned to: Judge Richard W. Story
Demand: $300,000
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 11/28/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Defendant

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LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Defendant **United States**	represented by **Robert David Powell** (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED
Defendant **Secretary John W. Snow** Secretary of the Department of Treasury of the United States of America	represented by **Robert David Powell** (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED
Movant **W. Darrin Keaton**	represented by **Wayne Darrin Keaton** (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED
Defendant **Wanda Edmundson**	represented by **Robert David Powell** (See above for address) TERMINATED: 06/20/2003 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant
Michael McBride

represented by
Robert David Powell
(See above for address)
TERMINATED: 06/20/2003
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Defendant
John Butkovich

represented by
Robert David Powell
(See above for address)
TERMINATED: 06/20/2003
LEAD ATTORNEY
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Defendant
William Zachery

represented by
Robert David Powell
(See above for address)
TERMINATED: 06/20/2003
LEAD ATTORNEY
ATTORNEY TO BE
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Defendant
Ty Ayres

represented by
Robert David Powell
(See above for address)
TERMINATED: 06/20/2003
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Defendant
Richard Byrd

represented by
Robert David Powell
(See above for address)
TERMINATED: 06/20/2003
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Vol. 1

Date Filed	#	Docket Text
11/28/1997	1	COMPLAINT filed. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney; jury demand; FILING FEE $ 150.00 RECEIPT # 416675 (fmr emp) (Entered: 12/02/1997)
11/28/1997		CASE REFERRED to Mag Judge Joel M. Feldman (Calendar sheets & notice forwarded to JMF & GET) (fmr emp) (Entered: 12/02/1997)
12/09/1997	2	Application for admission of Richard Segerblom pro hac vice for pla (to GET) (fmr emp) (Entered: 12/11/1997)
12/12/1997		ENDORSED ORDER by Judge G. E. Tidwell GRANTING [2-1] pro hac vice application as to Richard Segerblom. (cc) (fmr emp) (Entered: 12/15/1997)
01/12/1998	3	ANSWERS TO MANDATORY DISCLOSURES by plaintiff (fmr emp) (Entered: 01/13/1998)

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02/10/1998		Case reassigned to Judge Richard W. Story. Calendar sheets forwarded and notice mailed to counsel. (fmr emp) (Entered: 02/10/1998)
02/19/1998		Added attorney for plaintiff: Gordon Joseph Rose. (oug) (Entered: 02/19/1998)
02/25/1998	4	Attorney appearance for plaintiff by Robert Thomas Thompson Jr., Stephen G. Weizenecker and Gordon J. Rose. (oug) (Entered: 02/27/1998)
03/02/1998	5	MOTION by defendant to extend time to respond to [1-1] complaint (oug) (Entered: 03/03/1998)
03/16/1998	6	ANSWER by defendant to complaint [1-1] Discovery ends 8/13/98 (oug) (Entered: 03/25/1998)
03/31/1998	7	ANSWERS TO MANDATORY DISCLOSURES by defendant (oug) (Entered: 04/12/1998)
04/01/1998		SUBMITTED to Mag Judge Joel M. Feldman on [5-1] motion to extend time to respond to [1-1] complaint (oug) (Entered: 04/01/1998)
04/07/1998	8	ORDER by Mag Judge Joel M. Feldman GRANTING [5-1] motion to extend time to respond to [1-1] complaint, Answer due 3/16/98 for Robert E. Rubin (cc) (oug) (Entered: 04/08/1998)
04/15/1998	9	Preliminary Statement and Scheduling Order. (to mag judge) (oug) (Entered: 04/30/1998)

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05/05/1998		ENDORSED ORDER with Attachment A on statement by Mag Judge Joel M. Feldman APPROVING [9-1] preliminary statement (cc) (bsm) (Entered: 05/08/1998)
06/25/1998	10	MOTION by plaintiff to amend [1-1] complaint with proposed second amended complaint attached hereto (jaw) (Entered: 06/30/1998)
07/13/1998		Proposed Answer to amended complaint contained in [10-1] motion to amend [1-1] complaint by defendant. (fmm) (Entered: 07/16/1998)
07/16/1998		SUBMITTED to Mag Judge Joel M. Feldman on [10-1] motion to amend [1-1] complaint, proposed answer to amended complaint (fmm) (Entered: 07/16/1998)
07/20/1998	11	ORDER by Mag Judge Joel M. Feldman GRANTING [10-1] motion to amend [1-1] complaint (cc) (fmr emp) (Entered: 07/20/1998)
07/20/1998		Terminated submissions. (fmr emp) (Entered: 07/20/1998)
07/20/1998	12	AMENDED COMPLAINT by plaintiff; jury demand (fmr emp) (Entered: 07/20/1998)
07/20/1998	13	ANSWER by defendant to second amended complaint [12-1] (fmr emp) (Entered: 07/20/1998)

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07/31/1998	14	Joint MOTION to extend time for discovery (to JMF) (so) (Entered: 08/04/1998)
08/07/1998	15	Certification of Consent to Substitution of Counsel for defendant Robert E. Rubin. Lori M. Beranek replacing attorney Jane Wilcox Swift for Robert E. Rubin. (pa) (Entered: 08/10/1998)
08/10/1998	16	ORDER by Mag Judge Joel M. Feldman GRANTING [14-1] joint motion to extend time for discovery; Discovery ends 10/16/98 (cc) (bj) (Entered: 08/11/1998)
10/01/1998	17	Notice to take deposition of plaintiff by defendant (pdw) (Entered: 10/05/1998)
10/06/1998	18	Joint MOTION by parties to extend time to complete discovery and file dispositive motions with brief in support and proposed order. (to mag) (pdw) (Entered: 10/07/1998)
10/06/1998	19	Certification of Consent to Substitution of Counsel for defendant Robert E. Rubin . Robert David Powell & Lori M. Beranek replacing attorney Rolando Enrique Bascumbe. (pa) (Entered: 10/14/1998)
10/08/1998	19	ORDER by Mag Judge Joel M. Feldman GRANTING [18-1] joint motion to extend time to complete discovery and file dispositive motions, Discovery ends 1/14/99 (cc) (pdw) (Entered: 10/15/1998)

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11/23/1998	20	MOTION by defendant for entry of protective order with brief in support and proposed order. (pdw) (Entered: 11/24/1998)
11/30/1998	21	Notice to take deposition of Sarah E. Hendrix by defendant (pdw) (Entered: 12/01/1998)
12/10/1998		SUBMITTED to Mag Judge Joel M. Feldman on [20-1] motion for entry of protective order (pdw) (Entered: 12/10/1998)
12/11/1998	22	Partial Opposition by plaintiff to [20-1] motion for entry of protective order (pdw) (Entered: 12/14/1998)
12/15/1998	23	ORDER by Mag Judge Joel M. Feldman, motion hearing set for [20-1] motion for entry of protective order 11:00 12/22/98 (cc served by mag) (pdw) (Entered: 12/16/1998)
12/16/1998	24	Joint MOTION by parties for entry of a discovery scheduling order with brief in support and proposed consent discovery scheduling order. (to JMF) (pdw) (Entered: 12/18/1998)

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12/17/1998	25	TELEPHONE DISCOVERY CONFERENCE before Mag Judge Joel M. Feldman; motion for protective order GRANTED IN PART, motion to extend discovery GRANTED IN PART, counsel will file written motion and proposed order; parties joint motion to reopen discovery after the motion for sum jgm DENIED without prej; motion hearing set for 12/22/98 cancelled as moot. (pdw) (Entered: 12/18/1998)
12/22/1998	26	ORDER by Mag Judge Joel M. Feldman CANCELLING hearing scheduled for 12/22/98 as the pla's objections to dft's motion for protective order [20-1] were addressed in teleconference held 12/16/98. (cc) (pdw) (Entered: 12/22/1998)
12/22/1998		Terminated submissions. (pdw) (Entered: 12/22/1998)
12/22/1998	27	PROTECTIVE ORDER ENTERED by Magistrate Judge Joel M. Feldman. (pdw) (Entered: 01/07/1999)
01/14/1999	28	MOTION by defendant to compel discovery from plaintiff with brief in support. (pdw) (Entered: 01/15/1999)

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01/19/1999	29	Motion HEARING held 1/14/99 before Mag Judge Joel M. Feldman on [28-1] motion to compel discovery from plaintiff, motion GRANTED IN PART, UNDER ADVISEMENT IN PART: dft directed to provide personnel files of comparators who applied for I/E position, pla has 30 days to answer dft's responses, pla may examine documents w/out her atty present but may not discuss the merits of the case, dft's clerk will be present but dft may not have to produce documents until pla has answered dft's responses, pla responses to dft's resquests must be verified responses, dft will advise Court by 2/14/99 whether Court should reconvene the motion hearing, dft will depose pla w/in 30 days to reschedule pla's deposition. (pdw) (Entered: 01/19/1999)
02/19/1999	30	STATUS REPORT by dft concerning plaintiff's court-ordered discovery responses and the need for additional proceedings on dft's motion to compel discovery from plaintiff . (pdw) (Entered: 02/22/1999)
03/05/1999	31	ORDER by Mag Judge Joel M. Feldman, motion hearing set for [28-1] motion to compel discovery from plaintiff 1:30 3/24/99 (cc by crd) (pdw) (Entered: 03/05/1999)

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03/09/1999	32	Brief by plaintiff in Opposition to dft's [30-1] status report (pdw) (Entered: 03/10/1999)
03/18/1999 **Vol. 16**		TRANSCRIPT filed RE: tape-recorded proceedings before Magistrate Judge Joel M. Feldman for 1/14/99 Court Reporter: David A. Ritchie – (pdw) (Entered: 03/23/1999)
03/25/1999	33	Motion HEARING held before Mag Judge Joel M. Feldman [28-1] motion to compel discovery from plaintiff, motion granted in part; pla has 14 days to provide dft with discovery material; if discovery issues aren't resolved, parties may petition Court again in 30 days. (pdw) (Entered: 03/26/1999)
03/25/1999		VERBAL ORDER by Mag Judge Joel M. Feldman GRANTING IN PART AND DENYING IN PART [28-1] motion to compel discovery from plaintiff by Robert E. Rubin (pdw) (Entered: 03/26/1999)
04/07/1999	34	Statement by defendant Robert E. Rubin of attorney's fees incurred to litigate [28-1] motion to compel discovery from plaintiff (pdw) (Entered: 04/08/1999)
04/09/1999	35	Notice to take deposition of Sarah E. Hendrix by defendant (bsm) (Entered: 04/12/1999)
04/14/1999	37	Response by defendant to [36-1] motion for protective order (pdw) (Entered: 04/16/1999)

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04/15/1999	36	EMERGENCY MOTION by plaintiff for protective order with brief in support. (pdw) (Entered: 04/16/1999)
4/16/1999	38	Notice of stay in bankruptcy by defendant. (pdw) (Entered: 04/19/1999)
04/20/1999	39	Motion HEARING held before Mag Judge Joel M. Feldman [36-1] emergency motion for protective order, motion DENIED, written order to follow. (pdw) (Entered: 04/20/1999)
04/22/1999	40	ORDER by Mag Judge Joel M. Feldman DENYING AS MOOT the [36-1] motion for protective order by Sarah E. Hendrix, as pending the resolution of the bankruptcy matter the Government does not presently intend to go forward with the scheduled deposition of pla (cc) (pdw) (Entered: 04/22/1999)
10/27/1999	41	ORDER by Mag Judge Joel M. Feldman, the consolidated pretrial order and motion for sum jgm has not been filed. The pla must show cause w/in 10 days why this case should not be dismissed. The dft must also show cause w/in 10 days why the Court should not certify that he be held in contempt for failure to comply w/ Local Rules. [41-1] order to be submitted on 11/9/99 re: parties show cause. (cc) (web) (Entered: 10/28/1999)
11/01/1999	42	Notice of stay in bankruptcy and response to [41-1] show cause order by dft (pdw) (Entered: 11/02/1999)

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11/09/1999	43	Response by plaintiff to [41-1] order to show cause why case should not be dismissed. (pdw) (Entered: 11/09/1999)
11/10/1999		SUBMITTED to Mag Judge Joel M. Feldman on [41-1] order for parties to show cause. (pdw) (Entered: 11/10/1999)
11/17/1999	44	ORDER by Mag Judge Joel M. Feldman, staying proceedings by virtue of the automatic stay provision of the Bankruptcy Code as plaintiff has filed a voluntary bankruptcy petition, pending further order of the Bankruptcy Court. (cc) (pdw) (Entered: 11/17/1999)
11/17/1999		Terminated submissions. (pdw) (Entered: 11/17/1999)
02/18/2000	45	Notice of Substitution of Counsel for plaintiff Sarah E. Hendrix. Gordon Joseph Rose replacing attorney Robert Thomas Thompson for Sarah E. Hendrix. (pdw) (Entered: 02/22/2000)
08/31/2000	46	Notice of substitution of Counsel for plaintiff Sarah E. Hendrix. Gordon J. Rose and Stephen G. Weizenecker appearing as attorneys for plaintiff. (bek) (Entered: 09/01/2000)
12/12/2000	47	ORDER by Judge Richard W. Story, that the clerk administratively and statistically terminate the action pending completion of bankruptcy proceedings. The matter may be reopened upon request of counsel. (cc) (ck) (Entered: 12/13/2000)

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12/12/2000		Case terminated. (ck) (Entered: 12/13/2000)
12/12/2000		Completed referral to Mag Judge Joel M. Feldman (ck) (Entered: 12/14/2000)
01/29/2001	48	MOTION by plaintiff to lift stay so the case may be reinstated & proceed with brief in support. (ck) (Entered: 01/30/2001)
01/29/2001	49	MOTION by plaintiff to file 2nd amendment to the [1-1] complaint with brief & proposed 2nd amended complaint in support. (ck) (Entered: 01/30/2001)
02/13/2001	50	Response by defendant to [48-1] motion to lift stay so the case may be reinstated & proceed (ck) (Entered: 02/14/2001)
02/13/2001	51	Response by defendant to [49-1] motion to file 2nd amendment to the [1-1] complaint (ck) (Entered: 02/14/2001)

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02/14/2001		SUBMITTED to Judge Richard W. Story on [48-1] motion to lift stay so the case may be reinstated & proceed, [49-1] motion to file 2nd amendment to the [1-1] complaint (ck) (Entered: 02/14/2001)
03/05/2001	52	Reply brief to [49-1] motion to file 2nd amendment to the [1-1] complaint by plaintiff. (ck) (Entered: 03/07/2001)

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03/06/2001	53	Amendment to index & to exhibits attached to the [52-1] reply brief to the [49-1] motion to file 2nd amendment to the [1-1] complaint by the plaintiff. (ck) (Entered: 03/07/2001)
04/17/2001	54	ORDER by Judge Richard W. Story GRANTING [48-1] motion to lift stay so the case may be reinstated & proceed, DENYING [49-1] motion to file 2nd amendment to the [1-1] complaint by Sarah E. Hendrix (cc) (ck) (Entered: 04/18/2001)
04/17/2001		Terminated submissions. (ck) (Entered: 04/18/2001)
04/25/2001	55	Notice of change of address of counsel for plaintiff. (ck) (Entered: 04/26/2001)
04/25/2001		Added attorney for plaintiff: Melissa Silverman. (ck) (Entered: 04/30/2001)
05/04/2001	56	MOTION by plaintiff for reconsideration of [54-1] order with memorandum in support. (kt) (Entered: 05/07/2001)
05/08/2001	57	MOTION by defendant to reopen discovery for an additional six months with brief in support. (ck) (Entered: 05/09/2001)
05/21/2001	58	Response by defendant in opposition to [56-1] motion for reconsideration of [54-1] order (ck) (Entered: 05/22/2001)

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05/22/2001		SUBMITTED to Judge Richard W. Story on [56-1] motion for reconsideration of [54-1] order (ck) (Entered: 05/22/2001)
05/25/2001	59	Opposition by plaintiff to [57-1] motion to reopen discovery for an additional six months (ck) (Entered: 05/29/2001)
05/25/2001	60	MOTION by plaintiff to preserve certain evidence from destruction with brief in support. (ck) (Entered: 05/29/2001)
05/25/2001	61	MOTION by plaintiff for clarification of the verbal order issued 3/25/99 with brief in support. (ck) (Entered: 05/29/2001)
05/29/2001		SUBMITTED to Judge Richard W. Story on [57-1] motion to reopen discovery for an additional six months (FILE IN CHAMBERS) (ck) (Entered: 05/29/2001)
06/07/2001	62	Reply brief to [56-1] motion for reconsideration of [54-1] order by plaintiff. (ck) (Entered: 06/08/2001)
06/12/2001	63	Response by defendant in opposition to [60-1] motion to preserve certain evidence from destruction, [61-1] motion for clarification of the verbal order issued 3/25/99 (ck) (Entered: 06/13/2001)

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06/13/2001		SUBMITTED to Judge Richard W. Story on [60-1] motion to preserve certain evidence from destruction, [61-1] motion for clarification of the verbal order issued 3/25/99 (FILE IN CHAMBERS) (ck) (Entered: 06/13/2001)
06/25/2001	64	Reply brief to [60-1] motion to preserve certain evidence from destruction by plaintiff. (ck) (Entered: 06/27/2001)
06/25/2001	65	Reply brief to [61-1] motion for clarification of the verbal order issued 3/25/99 by plaintiff. (ck) (Entered: 06/27/2001)

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07/20/2001	66	MOTION by plaintiff to compel discovery, request for hearing , and for award of attorney's fees against Robert E. Rubin with brief & exhibits in support. (ck) (Entered: 07/23/2001)
07/24/2001	67	MOTION by plaintiff to substitute the exhibit & proposed order contained in the [66-1], [66-2], & [66-3] motion to comel, for hearing, & for discovery with brief in support. (ck) (Entered: 07/25/2001)

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08/06/2001	68	ORDER by Mag Judge Joel M. Feldman GRANTING [67-1] motion to substitute the exhibit & proposed order contained in the [66-1], [66-2], & [66-3] motion to comel, for hearing, & for discovery (cc) (ck) (Entered: 08/06/2001)
08/06/2001	69	Response by defendant in partial opposition to [66-1] motion to compel discovery, [66-2] motion request for hearing, [66-3] motion for award of attorney's fees against Robert E. Rubin (ck) (Entered: 08/07/2001)
08/07/2001		SUBMITTED to Judge Richard W. Story on [66-1] motion to compel discovery, [66-2] motion request for hearing, [66-3] motion for award of attorney's fees against Robert E. Rubin (FILE IN CHAMBERS) (ck) Modified on 08/07/2001 (Entered: 08/07/2001)

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08/13/2001	70	ORDER by Judge Richard W. Story GRANTING [56-1] motion for reconsideration of [54-1] order, [54-1] order is VACATED to the extent that is denied Plaintiff's motion to file a second amended complaint, GRANTING [49-1] motion to file 2nd amendment to the [1-1] complaint, GRANTING [57-1] motion to reopen discovery for an six months, Discovery ends 2/11/02 ; Case is REFERRED back to Judge Feldman for consideration of any other pending motions & other pretrial issues which may arise. (cc) (ck) (Entered: 08/13/2001)
08/13/2001		Terminated submissions. (ck) (Entered: 08/13/2001)
08/13/2001		CASE REFERRED back to Mag Judge Joel M. Feldman (Calendar sheets forwarded) (ck) (Entered: 08/13/2001)
08/13/2001	71	SECOND AMENDED COMPLAINT, by plaintiff adding Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, Richard Byrd; jury demand (ck) (Entered: 08/13/2001)
08/13/2001		Terminated submissions. (ck) (Entered: 08/14/2001)

08/14/2001		SUBMITTED to Mag Judge Joel M. Feldman on [60-1] motion to preserve certain evidence from destruction, [61-1] motion for clarification of the verbal order issued 3/25/99, [66-1] motion to compel discovery, [66-2] motion request for hearing, [66-3] motion for award of attorney's fees against Robert E. Rubin (FILE IN CHAMBERS) (ck) (Entered: 08/14/2001)
08/14/2001	72	MOTION by plaintiff to sequester witnesses & exclude persons from depositions, and for protective order with brief and proposed order in support. (ck) (Entered: 08/15/2001)
08/20/2001	73	ORDER by Mag Judge Joel M. Feldman, motion hearing set for [60-1] motion to preserve, [66-1] motion to compel, [66-2] motion request for hearing, and [66-3] motion for award of attorney's fees for 10:30 am on 9/10/01; and, DENYING [61-1] motion for clarification of the verbal order issued 3/25/99; plaintiff is to submit a transcript of any Court orders which she asks to be clarified. (cc by mag) (ck) (Entered: 08/22/2001)

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08/23/2001	74	REPLY by plaintiff to response to [66-1] motion to compel discovery, [66-2] motion request for hearing, [66-3] motion for award of attorney's fees against Robert E. Rubin. (lme) (Entered: 08/29/2001)
09/06/2001		SUBMITTED to Mag Judge Joel M. Feldman on [72-1] motion to sequester witnesses & exclude persons from depositions, [72-2] motion for protective order (FILE IN CHAMBERS) (ck) (Entered: 09/06/2001)
09/13/2001	75	ORDER by Mag Judge Joel M. Feldman, hearing rescheduled for 2:00pm on 9/17/01 (cc by mag office) (lme) (Entered: 09/14/2001)
09/17/2001	76	Motion HEARING held before Mag Judge Joel M. Feldman on [72-1] motion to sequester witnesses & exclude persons from depositions – moot, [72-2] motion for protective order – moot, [66-1] motion to compel discovery – granted in part/denied in part, [66-2] motion request for hearing – granted, [66-3] motion for award of attorney's fees against Robert E. Rubin – denied, [60-1] motion to preserve certain evidence from destruction – granted in part/ denied in part. Clerk's office directed to correct spelling of dfts names added in the amended complaint. (lme) (Entered: 09/21/2001)

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09/17/2001		VERBAL ORDER by Mag Judge Joel M. Feldman GRANTING IN PART AND DENYING IN PART [60-1] motion to preserve certain evidence from destruction by Sarah E. Hendrix, GRANTING IN PART AND DENYING IN PART [66-1] motion to compel discovery by Sarah E. Hendrix, GRANTING [66-2] motion request for hearing, DENYING [66-3] motion for award of attorney's fees against Robert E. Rubin by Sarah E. Hendrix, denying as moot the [72-1] motion to sequester witnesses & exclude persons from depositions by Sarah E. Hendrix, denying as moot the [72-2] motion for protective order by Sarah E. Hendrix (lme) (Entered: 09/21/2001)
09/17/2001		Terminated submissions. (lme) (Entered: 09/21/2001)
12/06/2001 **Vol. 17**	77	AUDIOTAPE TRANSCRIPT filed RE: Motion Proceedings before Judge Feldman on 9/17/01. Court Reporter: Lori Burgess (lme) (Entered: 12/10/2001)
12/14/2001	78	MOTION by plaintiff to withdraw by Melissa B. Silverman, Gordon Joseph Rose, Stephen G. Weizenecker as attys for Sarah E. Hendrix with brief in support and proposed order. (lme) (Entered: 12/17/2001)

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01/10/2002		SUBMITTED to Mag Judge Joel M. Feldman on [78-1] motion to withdraw by Melissa B. Silverman, Gordon Joseph Rose, Stephen G. Weizenecker as attys for Sarah E. Hendrix (lme) (Entered: 01/10/2002)
01/23/2002	80	Reply to pla's letter in response to [78-1] motion to withdraw by Melissa B. Silverman, Gordon Joseph Rose, Stephen G. Weizenecker as attys for Sarah E. Hendrix by plaintiff. (lme) (Entered: 01/29/2002)
01/23/2002	81	MOTION by pla for protective order to file documents under seal with proposed order. (lme) (Entered: 01/29/2002)
01/23/2002	82	PROTECTIVE ORDER ENTERED by Judge Feldman. (lme) (Entered: 01/29/2002)
01/23/2002 **Vol. 4 Under Seal**	83	Notice of filing exhibits to the reply to pla's letter in response to motion to withdraw as pla's counsel of record by plaintiff. (***Filed Under Seal***) (lme) (Entered: 01/29/2002)
01/25/2002	79	ORDER by Mag Judge Joel M. Feldman GRANTING [78-1] motion to withdraw by Melissa B. Silverman, Gordon Joseph Rose, Stephen G. Weizenecker as attys for Sarah E. Hendrix; plaintiff shall have 30 days from this date to obtain new counsel; [79-1] order to be submitted on 3/5/02 (cc) (ck) (Entered: 01/29/2002)

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01/25/2002		Terminated submissions. (ck) (Entered: 01/29/2002)
01/28/2002	84	Response by plaintiff in opposition to [78-1] motion to withdraw by Melissa B. Silverman, Gordon Joseph Rose, Stephen G. Weizenecker as attys for Sarah E. Hendrix. (lme) (Entered: 01/29/2002)
02/22/2002	85	Attorney appearance for plaintiff by Rebecca Hulsey and Roby B. Roberts. (lme) (Entered: 02/25/2002)
02/25/2002	86	Attorney appearance for plaintiff by W. Darrin Keaton. (lme) (Entered: 02/25/2002)
03/06/2002		SUBMITTED to Mag Judge Joel M. Feldman on [79-1] order. (lme) (Entered: 03/06/2002)
03/07/2002	87	Objections by Paul H. O'Neil, Secretary of the Treasury to upapproved special counsel of [85-1] atty appearance of Rebecca Hulsey and Roy B. Robers, [86-1] atty appearance W. Darrin Keaton. (lme) (Entered: 03/08/2002)
04/11/2002	88	Amendment to Certificate of interested persons. (to judge & mag) (lme) Modified on 04/12/2002 (Entered: 04/12/2002)
05/28/2002		SUBMITTED to Mag Judge Joel M. Feldman on [87-1] objections. (lme) (Entered: 05/28/2002)

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06/07/2002 **Vol. 18**	89	TRANSCRIPT filed RE: for dates of 3/25/99 Court Reporter: Sharon D. Upchurch – MOTIONS HEARING (ck) (Entered: 06/10/2002)
06/07/2002	90	ORDER by Mag Judge Joel M. Feldman DENYING [87-1] objections by Robert E. Rubin (cc) (als) (Entered: 06/10/2002)
06/10/2002		Terminated submissions. (als) (Entered: 06/10/2002)
07/22/2002	91	Summons issued for defendants Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd. (lme) (Entered: 07/23/2002)
08/02/2002	92	Joint MOTION for re-opening of discovery period for four months with proposed order. (To JMF) (lme) (Entered: 08/02/2002)
08/07/2002	93	CONSENT ORDER by Mag Judge Joel M. Feldman GRANTING [92-1] joint motion for re-opening of discovery period for four months, Discovery ends 12/9/02. (cc) (lme) (Entered: 08/08/2002)
08/16/2002	94	Return of service executed 8/11/02 as to Richard Byrd, John Butkovich and William Zachery on original complaint. (lme) (Entered: 08/16/2002)
08/16/2002	95	Return of service executed 8/12/02 as to Wanda Edmundson, Ty Ayres. (lme) (Entered: 08/16/2002)

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08/16/2002	96	Return of service executed 8/14/02 as to Michael McBride (lme) (Entered: 08/16/2002)
10/10/2002	97	MOTION by defendants to extend time within which to answer or otherwise respond to the [71-1] amended complaint of the later of 60 days from the date of this motion, or 60 days from pla's completion of service in accordance w/FRCP 4(i)(2)(B) with brief in support. (lme) (Entered: 10/11/2002)
10/30/2002	98	Response by plaintiff in opposition to [97-1] motion to extend time within which to answer or otherwise respond to the [71-1] amended complaint of the later of 60 days from the date of this motion, or 60 days from pla's completion of service in accordance w/ FRCP 4(i)(2)(B). (lme) (Entered: 10/31/2002)
11/04/2002		SUBMITTED to Mag Judge Joel M. Feldman on [97-1] motion to extend time within which to answer or otherwise respond to the [71-1] amended complaint of the later of 60 days from the date of this motion, or 60 days from pla's completion of service in accordance w/ FRCP 4(i)(2)(B). (lme) (Entered: 11/04/2002)

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11/06/2002	99	ORDER by Mag Judge Joel M. Feldman GRANTING [97-1] motion to extend time within which to answer or otherwise respond to the [71-1] amended complaint of the later of 60 days from the date of this motion, or 60 days from pla's completion of service in accordance w/ FRCP 4(i)(2)(B). (cc) (lme) (Entered: 11/07/2002)
11/06/2002		Terminated submissions. (lme) (Entered: 11/07/2002)
11/21/2002	100	MOTION by plaintiff to extend time thru 3/10/03 for discovery with brief in support. (ck) (Entered: 11/25/2002)
11/22/2002	101	Response by dft O'Neill to [100-1] motion to extend time thru 3/10/03 for discovery. (lme) (Entered: 11/26/2002)
12/09/2002		SUBMITTED to Mag Judge Joel M. Feldman on [100-1] motion to extend time thru 3/10/03 for discovery. (lme) (Entered: 12/09/2002)
12/11/2002		Terminated submissions. (fmm) (Entered: 12/12/2002)
12/12/2002	102	ORDER by Mag Judge Joel M. Feldman GRANTING [100-1] motion to extend time thru 3/10/03 for discovery, Discovery ends 3/11/03 (cc) (fmm) (Entered: 12/12/2002)

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01/23/2003	103	MOTION by pla for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, Richard Byrd with brief in support. (lme) (Entered: 01/24/2003)

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01/24/2003	104	MOTION by defendant Michael McBride to dismiss, or for summary judgment on all causes of action pleaded against him in the second amended complaint with brief in support and statement of material facts. (ntc sent to cnsl) (slc) (Entered: 01/28/2003)
01/24/2003	105	MOTION by defendant Ty Ayres to dismiss, or for summary judgment on all causes of action pleaded against him in the second amended complaint with brief in support and statement of material facts. (ntc sent to cnsl) (slc) (Entered: 01/28/2003)
01/24/2003	106	MOTION by defendant John Butkovich to dismiss, or for summary judgment on all causes pleaded against him in the second amended complaint with brief in support and statement of material facts. (ntc sent to cnsl) (slc) Modified on 01/28/2003 (Entered: 01/28/2003)

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01/24/2003	107	MOTION by defendant William Zachery to dismiss, or for summary judgment on all causes of action pleaded against him in the second amended complaint with brief in support and statement of material facts. (ntc sent to cnsl) (slc) (Entered: 01/28/2003)
01/24/2003	108	MOTION by defendant Wanda Edmundson to dismiss, or for summary judgment on all causes of action pleaded against her in the second amended complaint with brief in support and statement of material facts. (ntc sent to cnsl) (slc) (Entered: 01/28/2003)
02/10/2003	109	MOTION by plaintiff for leave to amend [1-1] complaint with brief in support. (lme) (Entered: 02/11/2003)

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02/10/2003	110	Response by dft Wanda Edmundson in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	110	MOTION by dft Wanda Edmundson to open default with brief in support. (contained w/in Doc. No. 110) (lme) (Entered: 02/11/2003)

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02/10/2003	111	Response by dft William Zachery in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	111	MOTION by defendant William Zachery to open default with brief in support. (contained w/in Doc. No. 111) (lme) (Entered: 02/11/2003)
02/10/2003	112	Response by dft John Butkovich in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	112	MOTION by defendant John Butkovich to open default with brief in support. (contained w/in Doc. No. 112) (lme) (Entered: 02/11/2003)
02/10/2003	113	Response by dft Richard Byrd in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	113	MOTION by defendant Richard Byrd to open default with brief in support. (contained w/in Doc. No. 113) (lme) (Entered: 02/11/2003)

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02/10/2003	114	Response by dft Ty Ayres in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	114	MOTION by defendant Ty Ayres to open default with brief in support. (contained w/in Doc. No. 114) (lme) (Entered: 02/11/2003)
02/10/2003	115	Response by dft Michael McBride in opposition to [103-1] motion for clerk to enter default as to Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres and Richard Byrd... (lme) (Entered: 02/11/2003)
02/10/2003	115	MOTION by defendant Michael McBride to open default with brief in support. (contained w/in Doc. No. 115) (lme) (Entered: 02/11/2003)
02/13/2003	116	MOTION by dft Richard Byrd to dismiss, or for summary judgment with brief in support. (notice sent to counsel) (lme) (Entered: 02/14/2003)
02/18/2003	117	Plaintiff's opposition to dft Ty Ayers's [105-1] motion to dismiss and [105-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint. (lme) (Entered: 02/19/2003)

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02/18/2003	118	Plaintiff's opposition to dft William Zachery's [107-1] mtion to dismiss and [107-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint. (lme) (Entered: 02/19/2003)
02/18/2003	119	Plaintiff's opposition to dft Michael McBride's [104-1] motion to dismiss and [104-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint. (lme) Modified on 02/27/2003 (Entered: 02/19/2003)
02/18/2003	120	Plaintiff's opposition to dft John Butkovich's [106-1] motion to dismiss and [106-2] motion for summary judgment on all causes pleaded against him in the second amended complaint. (lme) (Entered: 02/19/2003)
02/18/2003	121	Plaintiff's opposition to dft Wanda Edmundson's [108-1] motion to dismiss and [108-2] motion for summary judgment on all cuases of action pleaded against her in the second amended complaint. (lme) (Entered: 02/19/2003)

02/27/2003		SUBMITTED to Mag Judge Joel M. Feldman on [104-1] motion to dismiss, [104-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint, [105-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint, [105-1] motion to dismiss, [106-1] motion to dismiss, [106-2] motion for summary judgment on all causes pleaded against him in the second amended complaint, [107-1] motion to dismiss, [107-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint, 108-1] motion to dismiss, [108-2] motion for summary judgment on all causes of action pleaded against her in the second amended complaint. (lme) (Entered: 02/27/2003)

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02/28/2003	122	Response by plaintiff in opposition to [114-1] motion to open default. (lme) (Entered: 03/03/2003)
02/28/2003	123	Response by plaintiff in opposition to [111-1] motion to open default. (lme) (Entered: 03/03/2003)
02/28/2003	124	Response by plaintiff in opposition to [110-1] motion to open default. (lme) (Entered: 03/03/2003)

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02/28/2003	125	Response by plaintiff in opposition to [112-1] motion to open default. (lme) (Entered: 03/03/2003)
02/28/2003	126	Response by plaintiff in opposition to [115-1] motion to open default. (lme) (Entered: 03/03/2003)
02/28/2003	127	MOTION by defendants for sanctions with brief in support. (lme) (Entered: 03/04/2003)
02/28/2003	127	Response by defendants in opposition to pla's [109-1] motion for leave to amend [1-1] complaint. (lme) (Entered: 03/04/2003)
03/06/2003		SUBMITTED to Mag Judge Joel M. Feldman on [110-1] motion to open default, [111-1] motion to open default, [112-1] motion to open default, [114-1] motion to open default, [115-1] motion to open default. (lme) (Entered: 03/06/2003)
03/06/2003		SUBMITTED to Mag Judge Joel M. Feldman on [109-1] motion for leave to amend [1-1] complaint and [113-1] motion to open default. (lme) (Entered: 03/06/2003)

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03/06/2003	128	Notice to take deposition of Sarah E. Hendrix by defendants. (lme) (Entered: 03/10/2003)
03/07/2003	129	Reply brief to [104-1] motion to dismiss and [104-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint by defendant Michael McBride. (lme) (Entered: 03/10/2003)
03/07/2003	130	Reply brief to [106-1] motion to dismiss and [106-2] motion for summary judgment on all causes pleaded against him in the second amended complaint by defendant John Butkovich. (lme) (Entered: 03/10/2003)
03/07/2003	131	Reply brief to [108-1] motion to dismiss and [108-2] motion for summary judgment on all causes of action pleaded against her in the second amended complaint by defendant Wanda Edmundson. (lme) (Entered: 03/10/2003)
03/07/2003	132	Reply brief to [107-1] motion to dismiss and [107-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint by defendant William Zachery. (lme) (Entered: 03/10/2003)

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03/07/2003	133	Reply brief to [105-1] motion to dismiss and [105-2] motion for summary judgment on all causes of action pleaded against him in the second amended complaint by defendant Ty Ayres. (lme) (Entered: 03/10/2003)
03/10/2003	134	Response by plaintiff in opposition to [116-1] motion to dismiss and [116-2] motion for summary judgment. (lme) (Entered: 03/11/2003)
03/10/2003	135	Reply brief to [113-1] motion to open default by defendant Richard Byrd. (lme) (Entered: 03/11/2003)
03/12/2003		SUBMITTED to Mag Judge Joel M. Feldman on [116-1] motion to dismiss, [116-2] motion for summary judgment. (File in Chambers) (lme) (Entered: 03/12/2003)
03/13/2003	136	Reply brief to [109-1] motion for leave to amend [1-1] complaint by plaintiff. (lme) (Entered: 03/13/2003)

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03/17/2003	137	Reply brief in support of [114-1] motion to open default by defendant Ty Ayres. (lme) (Entered: 03/18/2003)
03/17/2003	138	Reply brief in support of [112-1] motion to open default by defendant John Butkovich . (lme) (Entered: 03/18/2003)

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03/17/2003	139	Reply brief in support of [110-1] motion to open default by defendant Wanda Edmundson. (lme) (Entered: 03/18/2003)
03/17/2003	140	Reply brief in support of [111-1] motion to open default by defendant William Zachery. (lme) (Entered: 03/18/2003)
03/17/2003	141	Reply brief in support of [115-1] motion to open default by defendant Michael McBride. (lme) (Entered: 03/18/2003)
03/18/2003	142	MOTION by defendants to extend time to complete discovery with brief in support. (lme) (Entered: 03/19/2003)
03/25/2003		SUBMITTED to Mag Judge Joel M. Feldman on [127-1] motion for sanctions. (File in Chambers) (lme) (Entered: 03/25/2003)
03/25/2003	143	ORDER by Mag Judge Joel M. Feldman GRANTING [142-1] motion to extend time to complete discovery. The discovery period in this case is extended and shall end 45 days after the entry of orders resolving pla's third motion to amend complaint, the six pending motions to open default and the six motions by individual capacity dfts to dismiss or for sum jgm. (cc) (lme) (Entered: 03/26/2003)
03/27/2003	144	Reply brief to [116-1] motion to dismiss, [116-2] motion for summary judgment by defendant Richard Byrd . (lme) (Entered: 03/28/2003)

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06/06/2003	145	ORDER by Mag Judge Joel M. Feldman VACATING the entry of default as the second amended complaint was not properly served and filed on all dfts; GRANTING [110-1] motion open default, GRANTING [111-1] motion to open default, GRANTING [112-1] motion to open default, GRANTING [113-1] motion to open default, GRANTING [114-1] motion to open default, GRANTING [115-1] motion to open default, DENYING [109-1] motion for leave to amend [1-1] complaint by Sarah E. Hendrix. It is furthered ordered that the dfts file their answer or other pleadings to the original and first amended complaints w/in 20 days of the receipt of this Order and the dfts file a statement of atty fees in connection w/their response to the motion for default, the motions to reopen the defaults, and their motion for sanctions w/in 20 days of this date. (cc) (lme) (Entered: 06/10/2003)
06/06/2003		Terminated submissions. (lme) (Entered: 06/10/2003)
06/20/2003	147	ORDER by Mag Judge Joel M. Feldman, GRANTING [104-1, 105-1, 106-1, 107-1, 108-1, 116-1] motions to dismiss, thereby obviating the need to consider sum.jgm. as to each individual defendant (cc) (bsm) (Entered: 07/02/2003)

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06/27/2003	146	Defendant's ANSWER to amended complaints [71-1] & [12-1]; individual capacity defendants' renewed MOTION to dismiss; and defendants' statement of attorneys' fees incurred to oppose the entry of default (ck) Modified on 06/30/2003 (Entered: 06/30/2003)
06/27/2003	146	Defendants' ANSWER to amended complaints [71-1] & [12-1]; individual capacity defendants' renewed MOTION to dismiss ; and defendants' statment of attorneys' fees incurred to oppose the entry of default . (ck) Modified on 06/30/2003 (Entered: 06/30/2003)
07/02/2003	148	MOTION by plaintiff for reconsideration of [145-1] order with brief in support. (lme) (Entered: 07/07/2003)
07/03/2003		SUBMITTED to Mag Judge Joel M. Feldman on [145-1] order, [146-1] motion individual capacity defendants' renewed MOTION to dismiss, [146-2] motion defendants' statment of attorneys' fees incurred to oppose the entry of default (FILE IN CHAMBERS) (ck) (Entered: 07/03/2003)

07/17/2003	149	Objections by plaintiff to [146-2] motion defendants' statment of attorneys' fees incurred to oppose the entry of default. (lme) (Entered: 07/18/2003)
07/17/2003	150	Objections by plaintiff to [147-1] order. (lme) (Entered: 07/18/2003)
07/18/2003	151	ORDER by Mag Judge Joel M. Feldman GRANTING [146-1] motion individual capacity defendants' renewed MOTION to dismiss. It is further ORDERED that pla respond to [146-2] motion dfts' statement of attys' fees incurred to oppose the entry of default w/in 10 days of this Order, or the same will be considered unopposed, [151-1] order to be submitted on 8/4/03 . (cc) (lme) (Entered: 07/21/2003)
07/18/2003	152	Notice to take deposition of Sarah E. Hendrix by defendant. (lme) (Entered: 07/22/2003)
07/21/2003	153	Response by defendant in opposition to pla's objections to order, identified as [148-1] motion for reconsideration of [145-1] order. (lme) (Entered: 07/22/2003)
07/31/2003		SUBMITTED to Mag Judge Joel M. Feldman on [148-1] motion for reconsideration of [145-1] order. (File in Chambers) (lme) (Entered: 07/31/2003)

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08/01/2003	154	CONSENT MOTION to extend time to complete discovery with brief in support and proposed order. (To JMF) (lme) (Entered: 08/05/2003)
08/04/2003	155	Response by defendants Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, Richard Byrd and John W. Snow in opposition to pla's [150-1] objection to Order. (lme) (Entered: 08/05/2003)
08/04/2003	156	Response by defendants Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, Richard Byrd and John W. Snow in opposition to pla's [149-1] objection to dfts' counsel recitation of fees. (lme) (Entered: 08/05/2003)
08/06/2003		SUBMITTED to Mag Judge Joel M. Feldman on [151-1] order. (File in Chambers) (lme) (Entered: 08/06/2003)
08/20/2003	157	Reply brief to dft's [156-1] response in opposition to pla's objection to dft's recitation of fees by pla. (lme) (Entered: 08/21/2003)
08/20/2003	158	Pla's Reply brief to dft's [155-1] response in opposition to pla's objection to order. (lme) (Entered: 08/21/2003)

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09/03/2003	159	ORDER by Mag Judge Joel M. Feldman GRANTING [154-1] motion to extend time to complete discovery. Discovery shall be extended 45 days after entry of orders resolving pla's mtn to amend complaint, the six motions to open default, & the 6 motions to dismiss or for summary judgment. (cc) (ck) (Entered: 09/04/2003)
09/03/2003	160	ORDER by Mag Judge Joel M. Feldman DENYING [148-1] motion for reconsideration of [145-1] order by Sarah E. Hendrix. (cc) (lme) (Entered: 09/05/2003)
09/04/2003	161	ORDER by Mag Judge Joel M. Feldman GRANTING IN PART [127-1] motion for sanctions by dfts, as to pla's counsel only. Dfts shall w/in 10 days of their receipt of this Order, file an affidavit setting out their costs and atty's fees, and shall submit a copy of the costs and time sheets and hourly atty fees value to pla. This Court will schedule an evidentiary hearing so that pla's counsel can cross-examine defense counsel about said costs and atty's fees, [161-1] order to be submitted on 9/22/03 . (cc) (lme) Modified on 09/25/2003 (Entered: 09/08/2003)
09/22/2003	162	Objections by plaintiff to [145-1] order and [160-1] order. (lme) (Entered: 09/23/2003)

09/22/2003	163	NOTICE OF APPEAL to District Court by movant W. Darrin Keaton to Judge Feldman's [161-1] order. (lme) (Entered: 09/23/2003)
09/25/2003		SUBMITTED to Judge Richard W. Story on [163-1] Magistrate appeal. (File in Chambers) (lme) (Entered: 09/25/2003)
10/17/2003		SUBMITTED to Judge Richard W. Story on [150-1] objections and [162-1] objections. (lme) (Entered: 10/17/2003)
03/29/2004	164	ORDER by Judge Richard W. Story DIRECTING the Clerk to amend the docket to remove [146-2] as a pending motion. (cc) (lme) (Entered: 04/09/2004)
04/09/2004		Terminated submission. (lme) (Entered: 04/09/2004)

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07/30/2004	165	ORDER VACATING magistrate orders 145 and 147 to the extent that they conflict with this order. GRANTING 109 motion to amend complaint, pla may file her third amended complaint w/in 10 days of entry of order. Dfts' previous motions to dismiss, 104, 105, 106, 107 and 108 are DENIED with the right to refile. Dfts should file answers or motions to dismiss w/in 20 days of service of third amended complaint. DENYING 127 motion for sanctions. Pla shall have 20 days from entry to perfect service on all dfts. Discovery ends on 9/19/2004 and motions for sum jgm will be due 20 days threafter. Signed by Judge Richard W. Story on 7/30/04. (fmm) (Entered: 08/05/2004)
08/11/2004	166	NOTICE to Take Deposition of SARAH E. HENDRIX filed by Robert E. Rubin (epm) (Entered: 08/17/2004)
08/11/2004	167	CERTIFICATE OF SERVICE as to service of Dft's Second Set of Interrogatories to Pla; and Dft's Second Requests for Production of Documents to Pla filed by Robert E. Rubin (Attachments: # 1 Certificate of Service)(epm) (Entered: 08/17/2004)
08/13/2004	168	PLAINTIFF'S THIRD AMENDMENT TO COMPLAINT against all defendants, filed by Sarah E. Hendrix.(epm) (Entered: 08/19/2004)

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08/13/2004	169	NOTICE of Change of Address for Wayne Darrin Keaton, counsel for Sarah E. Hendrix (epm) (Entered: 08/19/2004)
08/13/2004	170	Summons Issued as to Ty Ayres, John Butkovich, Richard Byrd, Wanda Edmundson, Michael McBride, William Zachery and U. S. Attorney. (epm) (Entered: 08/19/2004)
08/20/2004	171	Return of Service Executed by Sarah E. Hendrix. Wanda Edmundson served on 8/13/2004, answer due 9/2/2004. (epm) (Entered: 08/27/2004)
08/20/2004	172	Return of Service Executed by Sarah E. Hendrix. Ty Ayres served on 8/13/2004, answer due 9/2/2004. (epm) (Entered: 08/27/2004)
08/20/2004	173	Return of Service Executed by Sarah E. Hendrix. U. S. Attorney served via certified mail on 8/13/04. (epm) (Entered: 08/27/2004)
08/20/2004	174	Return of Service Unexecuted by Sarah E. Hendrix as to William Zachery. (epm) (Entered: 08/27/2004)
08/20/2004	175	Return of Service Executed by Sarah E. Hendrix. Michael McBride served on 8/18/2004, answer due 9/7/2004. (epm) (Entered: 08/27/2004)
08/20/2004		NOTICE OF DOCKET CORRECTION re: 174 Return of Service Executed by Sarah E. Hendrix. William Zachery served on 8/18/2004, answer due 9/7/2004. (dfb) (Entered: 09/07/2004)

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08/23/2004	176	Return of Service Executed by Sarah E. Hendrix. Richard Byrd served on 8/22/2004, answer due 9/13/2004. (epm) (Entered: 08/30/2004)
08/23/2004	177	Return of Service Executed by Sarah E. Hendrix. John Butkovich served on 8/22/2004, answer due 9/13/2004. (epm) (Entered: 08/30/2004)
09/03/2004	178	NOTICE to Take Deposition of JOHN BUTKOVICH filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)
09/03/2004	179	NOTICE to Take Deposition of TYRONE AYERS filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)
09/03/2004	180	NOTICE to Take Deposition of RICHARD BYRD filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)
09/03/2004	181	NOTICE to Take Deposition of WANDA Edmundson filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)
09/03/2004	182	NOTICE to Take Deposition of MICHAEL MCBRIDE filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)
09/03/2004	183	NOTICE to Take Deposition of WILLIAM ZACHERY filed by Sarah E. Hendrix (epm) (Entered: 09/10/2004)

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09/03/2004	185	NOTICE Of Filing Subpoena In A Civil Case for: Don Dolan, Carin Baswell, Caryn Teamer, Rosa Wright & Ted Stewart, Esq. filed by Sarah E. Hendrix (Attachments: #1 Re: Carin Baswell #2 Re: Caryn Teamer #3 Re: Rosa Wright #4 Re: Ted Stewart, Esq.)(epm) (Entered: 09/13/2004)
09/07/2004	184	ORDER directing parties to appear before the Court re: 165 Order, Status Conference set for 9/8/2004 at 1:30 PM before Judge Joel M. Feldman. Signed by Judge Joel M. Feldman on 9/7/2004. (cc by Magistrate) (adg) (Entered: 09/10/2004)
09/08/2004	186	NOTICE to Take Deposition of SARAH E. HENDRIX filed by defendant. (epm) (Entered: 09/13/2004)
09/08/2004	187	CERTIFICATES OF SERVICE (to Atty/G John Ashcroft & US/Atty David Powell) as to service of 7/30/04 Order; Original Complaint; 1st Amend to Complaint, 2nd Amend to Complaint, 3rd Amend to Complaint, Summons for all 7 Dfts & Instructions Regarding Pretrial Proceedings filed by Sarah E. Hendrix (Attachments: # 1 Certificate #2) (epm) (Entered: 09/13/2004)

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09/08/2004	188	Minute Entry for proceedings held before Judge Joel M. Feldman : Status Conference held on 9/8/2004. Written Order to follow. (Tape #JMF #04-043 @ 2146.)(epm) (Entered: 09/13/2004)
09/10/2004	189	ORDER directing counsel to request relief he seeks (staying the deposition of a party until such party files his/her Answer or Motion to Dismiss) re: 165 Order from the District Judge. Signed by Judge Joel M. Feldman on 09/10/04. (dfb) (Entered: 09/13/2004)
09/10/2004		Steno Notes of proceedings held on 9/8/04 before Judge Joel M. Feldman as to Robert E. Rubin; by Donna Keeble (epm) (Entered: 09/30/2004)
09/13/2004	190	ANSWER to Second & Third Amended Complaints and All Amendments filed by Wanda Edmundson.(epm) (Entered: 09/16/2004)
09/13/2004	191	ANSWER to Third Amended Complaint and All Amendments filed by John Butkovich.(epm) (Entered: 09/16/2004)
09/13/2004	192	ANSWER to Second & Third Amended Complaints and All Amendments filed by Michael McBride.(epm) (Entered: 09/16/2004)
09/13/2004	193	ANSWER to Third Amended Complaint and All Amendments filed by William Zachery.(epm) (Entered: 09/16/2004)

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09/13/2004	194	ANSWER to Second & Third Amended Complaints and All Amendments filed by Ty Ayres.(epm) (Entered: 09/16/2004)
09/13/2004	195	ANSWER to Third Amended Complaint and All Amendments filed by Richard Byrd.(epm) (Entered: 09/16/2004)
09/13/2004	196	ANSWER to Third Amended Complaint and All Amendments filed by (Secretary Snow) Robert E. Rubin.(epm) (Entered: 09/16/2004)
09/14/2004	197	MOTION for Extension of Time to 10/20/04 to Complete Discovery w/ Memorandum of Law & Proposed Order filed by (John Snow) Robert E. Rubin. (epm) (Entered: 09/16/2004)
09/14/2004	198	CERTIFICATE OF SERVICE as to service of 197 MOTION for Extension of Time filed by (John Snow) Robert E. Rubin (epm) (Entered: 09/16/2004)

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09/23/2004	199	NOTICE Of Filing Subpoenas to: Ted Stewart, Carin Baswell, Rosa Wright, Don Dolan & Caryn Teamer by Sarah E. Hendrix (Attachments: #1 Subpoena – Carin Baswell #2 Subpoena – Rosa Wright #3 Don Dolan# 4 Subpoena – Caryn Teamer) (epm) (Entered: 09/28/2004)

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09/23/2004	200	CERTIFICATE OF SERVICE of Discovery filed by Sarah E. Hendrix (epm) (Entered: 09/28/2004)
09/23/2004	201	LOCAL RULE 5.4(A) CERTIFICATES (Of Service of Discovery Pleadings) filed by Sarah E. Hendrix (Attachments: #1 Certificate – Plaintiff's Response) (epm) (Entered: 09/28/2004)
09/27/2004		Mail Returned as Undeliverable. (Re: Order of 9/10/04) Mail sent to Gordon Joseph Rose (epm) (Entered: 09/29/2004)
10/04/2004	202	ORDER granting Defendants' 197 Motion for Extension of Time to Complete Discovery. Discovery ends on 10/28/2004. Parties may file motions for summary judgment up to thirty (30) days after the close of discovery. The responding party may have up to 30 days to respond and a reply may be filed up to 10 days after service of the response. Motions for summary judgment shall be submitted directly to the undersigned. Signed by Judge Richard W. Story on 10/04/04. (dfb) (Entered: 10/04/2004)
10/04/2004		Case no longer referred to Joel M. Feldman. (dfb) (Entered: 10/06/2004)

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10/04/2004	203	Minute Entry for proceedings held before Judge Richard W. Story: Telephone Conference held on 10/4/2004 re: Defendants' 197 Motion for Enlargement of Time. (Court Reporter Donna Keeble) (dfb) (Entered: 10/12/2004)
10/12/2004		Mail Returned as Undeliverable. (Re: Order of 10/4/04) Mail sent to Gordon Joseph Rose (epm) (Entered: 10/13/2004)
10/21/2004	204	CERTIFICATE OF SERVICE as to service of Affidavit of Michelle Filippou, filed by process server, Michelle Filippou. (epm) (Entered: 10/22/2004)
11/02/2004	205	NOTICE of Substitution of United States as Defendant for Tort Claims against Individual Capacity Defendants with Certifications filed by United States (Attachments: #1 Certifications) (epm) (Entered: 11/05/2004)
11/23/2004	206	RESPONSE to 205 Notice of Substitution of United States as Defendant for Tort Claim Against Individual Defendants filed by Sarah E. Hendrix. (Memorandum in Support and Exhibits 1 – 5 included in pleading) (epm) Modified to correct text on 11/29/2004 (epm). (Entered: 11/29/2004)

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11/23/2004 **Located in Vol. 12**	214	MOTION for Hearing and/or MOTION for De Novo Review of Defendants' Notice of Substitution of United States as Defendant for Tort Claim and MOTION for Sanctions pursuant to 28 U.S.C. 1927 with Memorandum in Support filed by Sarah E. Hendrix. (Motion contained within pleading 206) (epm) Modified to correct text on 11/29/2004 (epm). Modified on 12/17/2004 to attach pdf and correct docket text (fmm). (Entered: 11/29/2004)
11/24/2004	207	MOTION to Dismiss or for MOTION for Summary Judgment with Memorandum In Support, Statement of Undisputed Facts and Exhibits filed by United States. (Attachments: #1 Memorandum of Law in Support #2 Statement of Undisputed Facts #3 Exhibit 1 #4 Exhibit 2 #5 Exhibit 3 #6 Exhibit 3 – part 2 #7 Exhibit 3 – part 3 #8 Exhibit 3 – part 4 #9 Exhibit 4 – part 1 #10 Exhibit 4 – part 2 #11 Exhibit 4 – part 3 #12 Exhibit 4 – part 4 #13 Exhibit 4 – part 5) (epm) (Entered: 11/30/2004)

11/26/2004	209	MOTION for Summary Judgment with Memorandum In Support and Statement of Undisputed Facts filed by John W. Snow. (Attachments: #1 Memorandum of Law in Support #2 Statement of Undisputed Facts) (epm) (Entered: 12/06/2004)
11/26/2004 **with Exhibits**	211	MOTION for Summary Judgment, Brief In Support, Statement of Undisputed Facts and 4 volumes of Exhibits filed by Ty Ayres, John Butkovich, Richard Byrd, Wanda Edmundson, Michael McBride and William Zachery. (Exhibits too voluminous to scan; please see file) (Attachments: #1 Memorandum of Law in Support #2 Statement of Undisputed Facts) (epm) Modified to correct text to include exhibits on 12/6/2004 (epm). (Entered: 12/06/2004)
11/30/2004	208	Clerk's Notice to Parties to Respond to Motion for Summary Judgment re: 207 MOTION to Dismiss or MOTION for Summary Judgment (epm) (Entered: 11/30/2004)
12/06/2004	210	Clerk's Notice to Parties to Respond to Motion for Summary Judgment re: 209 MOTION for Summary Judgment by John W. Snow (epm) (Entered: 12/06/2004)

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12/06/2004	212	Clerk's Notice to Parties to Respond to Motion for Summary Judgment re: 211 MOTION for Summary Judgment (epm) (Entered: 12/06/2004)
12/09/2004	213	MEMORANDUM in Opposition to 214 MOTION for Hearing and/or MOTION for De Novo Review of Defendants' Notice or Substitution of U. S. as Defendant for Tort Claim against Individual Defendants and MOTION for Sanctions pursuant to 28 U.S.C. 1927 filed by United States, John W. Snow. (epm) Modified on 12/17/2004 to correct docket text (fmm). (Entered: 12/14/2004)
12/17/2004		Submission of 205 Notice of Substitution of United States as Defendant for Tort Claims against Individual Capacity Defendants, 214 MOTION for Hearing, MOTION De Novo Review, MOTION for Sanctions, submitted to District Judge Richard W. Story. (fmm) Modified on 12/17/2004 to correct docket text (fmm). (Entered: 12/17/2004)

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12/22/2004	215	REPLY to Response to 214 MOTION for Hearing for Judicial Review of Substitution of United States as Defendant for Tort Claim Against Individual Defendants and MOTION for Sanctions filed by Sarah E. Hendrix. (Attachments: #1 Exhibit 1 #2 Exhibit 2 #3 Exhibit 3 #4 Exhibit 4) (epm) (Entered: 12/30/2004)

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01/07/2005	216	NOTICE Of Filing Original Discovery Documents filed by Sarah E. Hendrix (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	217	DEPOSITION of TYRONE B. AYERS taken on 10/14/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	218	DEPOSITION of CARIN AMY BRAZWELL taken on 10/27/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	219	DEPOSITION of JOHN BUTKOVICH taken on 10/14/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	220	DEPOSITION of JOSEPH E. BUTLER taken on 9/18/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	221	DEPOSITION of JOE BUTLER taken on 11/13/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)

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01/07/2005 **Exhibit**	222	DEPOSITION of RICHARD BYRD taken on 10/12/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	223	DEPOSITION of DONALD RANDALL DOLAN taken on 10/12/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	224	DEPOSITION of WANDA Edmundson taken on 11/13/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	225	DEPOSITION of WANDA EDMUNDSON taken on 10/12/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	226	DEPOSITION of DEBORAH ANN GONZALES taken on 11/13/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	227	DEPOSITION of EDWARD C. LAUDUSKI taken on 11/12/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	228	DEPOSITION of JOSEPH ANTONIO MASTRACCHIO taken on 11/12/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	229	DEPOSITION of JOSEPH A. MASTRICCHIO taken on 9/18/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)

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01/07/2005 **Exhibit**	230	DEPOSITION of PAUL MAYBERRY taken on 11/13/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	231	DEPOSITION of MICHAEL MCBRIDE taken on 10/12/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	232	DEPOSITION of DOROTHY V. POOLE taken on 9/18/98 filed by Sarah E. Hendrix.(epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	233	DEPOSITION of THEODORE M. STEWART taken on 10/14/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	234	DEPOSITION of CAREY TEAMER taken on 10/27/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	235	DEPOSITION of BRIAN A. WORD taken on 11/12/98 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	236	DEPOSITION of ROSA WRIGHT taken on 10/14/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005 **Exhibit**	237	DEPOSITION of WILLIAM THOMAS ZACHERY taken on 10/27/04 filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)

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01/07/2005 **with Exhibits**	238	RESPONSE in Opposition to 207 MOTION to Dismiss; MOTION for Summary Judgment filed by Sarah E. Hendrix; (3 volumnes of exhibits attached; too voluminous to scann) filed by Sarah E. Hendrix. (epm) Modified to correct text on 1/13/2005 (epm). (Entered: 01/13/2005)

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01/07/2005	239	RESPONSE in Opposition to 209 MOTION for Summary Judgment filed by Sarah E. Hendrix; (volumes of exhibits attached w doc 238; too voluminous to scann). (epm) Modified on 6/8/2005 to correct exhibit information (ckd). (Entered: 01/13/2005)
01/07/2005	240	RESPONSE in Opposition to 211 MOTION for Summary Judgment filed by Sarah E. Hendrix; (volumes of exhibits attached w doc 238; too voluminous to scann). (epm) Modified on 6/8/2005 to correct exhibit information(ckd). (Entered: 01/13/2005)
01/07/2005	241	RESPONSE to 207 Statement of Material Facts Not In Dispute filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)

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01/07/2005	242	RESPONSE to 209 Statement of Material Facts Not In Dispute filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005	243	RESPONSE to 211 Statement of Material Facts Not In Dispute filed by Sarah E. Hendrix. (epm) (Entered: 01/13/2005)
01/07/2005	244	CERTIFICATE OF COMPLIANCE filed by Sarah E. Hendrix (epm) (Entered: 01/13/2005)
01/14/2005	245	ORDER granting 214 Motion for Hearing, granting 214 Motion for De Novo Review and denying 214 Motion for Sanctions Evidentiary Hearing set for 2/2/2005 02:30 PM in Courtroom 2105 before Judge Richard W. Story. Signed by Judge Richard W. Story on 1/14/05. (epm) (Entered: 01/19/2005)
01/18/2005		Submission of 211 MOTION for Summary Judgment, 207 MOTION to Dismiss, MOTION for Summary Judgment 209 MOTION for Summary Judgment, submitted to District Judge Richard W. Story. (epm) (Entered: 01/18/2005)

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01/25/2005	246	MOTION to Strike 223 Deposition, 224 Deposition, 225 Deposition, 226 Deposition, 241 Response to Motion, 227 Deposition, 242 Response to Motion, 243 Response to Motion, 228 Deposition, 229 Deposition, 230 Deposition, 231 Deposition, 232 Deposition, 244 Certificate of Service, 216 Notice of Filing, 233 Deposition, 217 Deposition, 234 Deposition, 235 Deposition, 236 Deposition, 237 Deposition, 218 Deposition, 219 Deposition, 220 Deposition, 221 Deposition, 238 Response in Opposition to Motion, 222 Deposition, 239 Response in Opposition to Motion, 240 Response in Opposition to Motion with Brief In Support by Wanda Edmundson, Michael McBride, United States, John W. Snow, John Butkovich, William Zachery, Ty Ayres, Richard Byrd. (Powell, Robert) (Entered: 01/25/2005)
02/09/2005	247	Minute Entry for proceedings held before Judge Richard W. Story: Evidentiary Hearing held on 2/8/2005. (Court Reporter Sharon Upchurch.)(rag) (Entered: 02/09/2005)

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02/09/2005	248	RESPONSE to 246 MOTION to Strike Plaintiff's Documents filed January 7, 2005, filed by Sarah E. Hendrix (Attachments: #1 Exhibit 1 #2 Exhibit 2 #3 Exhibit 3 #4 Exhibit 4 #5 Exhibit 5 #6 Exhibit 6) (epm) (Entered: 02/10/2005)
02/11/2005		Steno Notes of proceedings held on 2/8/05 as to Wanda Edmundson, Michael McBride, United States, John W. Snow, John Butkovich, William Zachery, Ty Ayres and Richard Byrd before Judge Richard W. Story; by Court Reporter, Sharon D. Upchurch (epm) (Entered: 02/14/2005)
02/14/2005	250	AFFIDAVIT Supplying Additional Information in Response to February 8, 2005 Hearing filed by Sarah E. Hendrix. (Attachments: #1 Affidavit – part 2 #2 affidavit – part 3 #3 Tab 1 #4 Tab 2 #5 Tab 3 #6 Tab 4 #7 Tab 5 #8 Tab 6 #9 Tab 7 #10 Tab 8 #11 Tab 9 #12 Tab 10 #13 Tab 11 #14 Tab 12) (epm) (Entered: 02/17/2005)

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02/15/2005	249	NOTICE Of Filing by Wanda Edmundson, Michael McBride, John Butkovich, William Zachery, Ty Ayres, Richard Byrd re 213 Response in Opposition to Motion, (Supplemental Evidence) (Attachments: #1 Affidavit Ty Ayers (Part1) #2 Affidavit Ty Ayers(Part2) #3 Affidavit of John Butkovich #4 Affidavit of Richard Byrd #5 Affidavit of Wanda Edmundson #6 Affidavit of Michael McBride # 7Affidavit of William Zachery) (Powell, Robert) (Entered: 02/15/2005)

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02/22/2005	251	ORDER GRANTING 207 United States Motion to Dismiss; GRANTING 207 Motion for Summary Judgment; GRANTING 209 John W. Snow's Motion for Summary Judgment; GRANTING 211 Motion for Summary Judgment and DENYING 246 Motion to Strike. This case is hereby DISMISSED. Signed by Judge Richard W. Story on 2/22/05. (epm) (Entered: 02/23/2005)
02/22/2005	252	CLERK'S JUDGMENT Entered for Defendants and against Plaintiff for costs of action. (epm) – Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist – (Entered: 02/23/2005)

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02/22/2005		Civil Case Terminated. (epm) (Entered: 02/23/2005)
02/23/2005	253	AFFIDAVIT Providing Additional Information for the Record filed by Sarah E. Hendrix. (epm) (Entered: 02/25/2005)
03/07/2005 **Vol. 19**	254	TRANSCRIPT of Evidentiary Hearing held on 2/8/05 before Judge Richard W. Story. Court Reporter: Sharon D. Upchurch. (epm) Modified to correct text on 3/9/2005 (epm). (Entered: 03/09/2005)

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03/17/2005	255	BILL OF COSTS filed by Wanda Edmundson, Michael McBride, John W. Snow, John Butkovich, William Zachery, Ty Ayres and Richard Byrd. (epm) (Entered: 03/21/2005)
03/21/2005	256	Costs Taxed in amount of $ 4,025.98 against Sarah Hendrix (epm) Modified on 4/20/2005 (sjk). (---COSTS RE-TAXED 4/19/2005 AS PER 262 ORDER---) (Entered: 03/21/2005)

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03/21/2005	257	NOTICE OF APPEAL by Sarah E. Hendrix as to 251 Order, 252 Clerk's Judgment. Fee not paid (TOF/Appeal fee letter mailed to attorney for plaintiff) (cc:USCA) Transcript Order Form due on 4/4/2005 (ckd) (Entered: 03/22/2005)
03/22/2005		Transmission of certified copy Notice of Appeal, Judgment, Order, Appeal fee letter and Docket Sheet to US Court of Appeals re: 257 Notice of Appeal (ckd) (Entered: 03/22/2005)
03/22/2005		USCA Appeal Fees received $255 receipt number 534972 re: 257 Notice of Appeal filed by Sarah E. Hendrix, Case Appealed to USCA 11th Circuit (ckd) (Entered: 03/25/2005)
03/25/2005		Certified copy of docket sheet forwarded to USCA reflecting payment of Appeal fees re: 257 Notice of Appeal filed by Sarah E. Hendrix. Case Appealed to USCA 11th Circuit. (ckd) (Entered: 03/25/2005)
03/28/2005	258	USCA Acknowledgment for 257 Notice of Appeal filed by Sarah E. Hendrix, Case Appealed to USCA 11th Circuit Case Number 05-11583-D (ckd) (Entered: 03/29/2005)

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03/30/2005	259	USCA Acknowledgment certified copy docket sheet reflecting payment of appeal fees re: 257 Notice of Appeal filed by Sarah E. Hendrix, Case Appealed to USCA 11th Circuit Case Number 05-11583-D. (ckd) (Entered: 03/31/2005)
04/04/2005	260	TRANSCRIPT ORDER FORM by Sarah E. Hendrix for proceedings held on 1/14/99 before Judge Joel M. Feldman re: 257 Notice of Appeal, Court Reporter: David Ritchie. Case Appealed to USCA 11th Circuit Case Number 05-11583-D. Financial Arrangements due on 4/18/2005 (ckd) (Entered: 04/05/2005)
04/04/2005	261	OBJECTION to 255 Bill of Costs filed by Sarah E. Hendrix. (Attachments: #1 Exhibit 1, #2 Exhibit 2, #3 Exhibit 3, #4 Exhibit 4, #5 Exhibit 5, #6 Exhibit 6 and #7 Exhibit 7) (sjk) (Entered: 04/05/2005)
04/19/2005	262	ORDER SUSTAINING in part and OVERRULING in part 261 Objection to the Bill of Costs. The Clerk is DIRECTED to retax costs in favor of Defendants in the amount of $3,605.98. Signed by Judge Richard W. Story on 4/19/2005. (sjk) (Entered: 04/20/2005)

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04/19/2005		Costs Re-taxed in amount of $3,605.98 against Plaintiff and for Defendant. (As directed by 262 Order.) (sjk) (Entered: 04/20/2005)
05/31/2005	263	AFFIDAVIT Notifying Court of Termination of Counsel by Sarah E. Hendrix. (sjk) (Entered: 05/31/2005)
06/08/2005		CERTIFICATE OF READINESS of Appeal Record (15 volumes pleadings; 1 Under Seal; 4 volumes transcripts; 21 depositions; exhibits w/doc 211 and 238) re: 257 Notice of Appeal filed by Sarah E. Hendrix. USCA Case Number 05-11586-DD (ckd) Modified on 6/8/2005 to correct docket text (ckd). (Entered: 06/08/2005)
06/08/2005	264	Certified copy of CERTIFICATE OF READINESS transmitted to USCA re: 257 Notice of Appeal. Case Appealed to USCA Eleventh Circuit Case Number 05-11583-DD (ckd) (Entered: 06/08/2005)
06/13/2005	265	USCA Acknowledgment COR re: 257 Notice of Appeal filed by Sarah E. Hendrix. Case Appealed to USCA Eleventh Circuit Case Number 05-11583-DD. (ckd) (Entered: 06/14/2005)

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10/13/2005	266	FORTHWITH LETTER from USCA re: 257 Notice of Appeal filed by Sarah E. Hendrix. Case Appealed to USCA Eleventh Circuit Case Number 05-11583-DD. Appeal Record due by 10/24/2005. (ckd) (Entered: 10/13/2005)
10/18/2005	267	Certified and Transmitted Record on Appeal to US Court of Appeals re 257 Notice of Appeal Case Appealed to USCA Eleventh Circuit Case Number 05-11583-DD. (ckd) (Entered: 10/18/2005)
10/25/2005	268	NOTICE of Docketing Record on Appeal from USCA re 257 Notice of Appeal filed by Sarah E. Hendrix,. Case Appealed to USCA Eleventh Circuit Case Number 05-11583-DD. (ckd) (Entered: 10/26/2005)
04/25/2006	269	Certified copy of JUDGMENT of USCA AFFIRMING the decision of the District Court re: 257 Notice of Appeal filed by Sarah E. Hendrix. Case Appealed to USCA - 11th Circuit. Case Number 05-11583-DD. (Attachments: #1 Bill of Costs)(kac) (Entered: 04/26/2006)

04/25/2006		Appeal Record Returned re: 257 Notice of Appeal. Case Appealed to USCA – 11th Circuit. USCA Case Number 05-11583-DD. (15 Vols. of Pldgs-1 FILED UNDER SEAL, 4 Transcripts, 21 Depositions, 4 Vols. of Exhibits w/ pldg no. 211 and 3 Vols. of Exhibits w/ pldg no. 238) (kac) (Entered: 04/26/2006)